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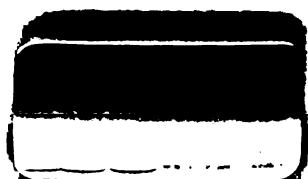
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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF MICHIGAN.

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**EXTRA SESSION, 1874.**  
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Printed by virtue of Law, under the Direction and Supervision of

DANIEL L. CROSSMAN,

Clerk of the House of Representatives.



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**BY AUTHORITY.**  
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LANSING:  
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1874.



IN  
MEMORY OF  
HON. BENJAMIN WALKER,  
MEMBER OF THE HOUSE OF REPRESENTATIVES  
FROM SHIAWASSEE COUNTY,  
WHO DIED AT HIS HOME IN PERRY,  
JUNE 19, 1873.



IN  
MEMORY OF  
HON. LEVI WALKER,  
MEMBER OF THE HOUSE OF REPRESENTATIVES  
FROM GENESEE COUNTY,  
WHO DIED AT LANSING,  
APRIL 26, 1873.





# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

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EXTRA SESSION, 1874.

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*Lansing, Tuesday, March 3, 1874.*

Pursuant to a proclamation of His Excellency, the Governor of the State of Michigan, the Representatives assembled this day in their Hall in the Capitol, in the city of Lansing.

At 12 o'clock noon, the Speaker, Hon. Charles M. Croswell, called the House to order.

Prayer by the Rev. Mr. Cromack.

The proclamation of the Governor, convening the Legislature in extra session, was then read.

The following is the

### PROCLAMATION.

WHEREAS, The Legislature of this State, at its last session, by joint resolution directed the appointment by the Governor of a committee of eighteen persons, to prepare amendments to the constitution and report the same to him;

AND WHEREAS, The said committee having been appointed, and performed the duty assigned them, and having made their report;

NOW, THEREFORE, I, JOHN J. BAGLEY, Governor of the State of Michigan, by virtue of the power vested in me by the Constitution, do hereby direct that the Legislature of the State convene in extraordinary session, at the Capitol, in the city of Lansing, on Tuesday, the third day of March next, at twelve o'clock noon, for the purpose of considering the Amendments to the Constitution reported by said committee, and to consider and act upon all such other matters as may be submitted by special message.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State to be hereunto affixed, at Lansing, this twenty-  
[ L. S. ] first day of January, in the year of our Lord one thousand eight hundred and seventy-four.

JOHN J. BAGLEY.

By the Governor:

DANIEL STRIKER, *Secretary of State.*

The roll was then called by the Clerk, and the following members answered to their names:

Mr. Ackley,	Mr. Fancher,	Mr. Markey,	Mr. Simpson,
Armstrong,	Ferguson,	R. C. Miller,	Striker,
Bartholomew,	Fey,	Mitchell,	Thomas,
Blackman,	Garfield,	Morse,	Thompson,
Briggs,	Garvelink,	Noyes,	Van Aken,
Brunson,	Goodrich,	O'Dell,	Van Scoy,
Burns,	Gordon,	Parsons,	A. Walker,
Cady,	Green,	Pierce,	F. Walker,
Carter,	Greusel,	Priest,	J. Walker,
Chamberlain,	Haire,	Remer,	Walton,
Climie,	Haywood,	Rich,	E. C. Watkins,
Cobb,	Hewitt,	Ripley,	Welch,
Collins,	Hosner,	Robinson,	Welker,
Cook,	Howard,	Robertson,	Wheeler,
Curtis,	Hoyt,	Rose,	Withington,
Dinturff,	Kellogg,	Sanderson,	Wixson,
Drake,	Lewis,	Scott,	Zimmerman,
Drew,	Lockwood,	Sessions,	Speaker,
Edwards,	Luce,	Shaw,	75

The following members were absent:

Mr. Bailey,	Mr. Chafey,	Mr. Hoar,	Mr. Smith,
Bonine,	Eggleston,	Kipp,	Speed,
Bottomley,	Gilmore,	Knapp,	B. Walker,
Breitung,	Grant,	Lamb,	O. W. Watkins,
Buell,	Harris,	E. R. Miller,	Warren,
Caplis,	Hertzler,	Perry,	West,
			24

The Speaker announced that a quorum of the House was present.

The Speaker then addressed the House as follows:

**GENTLEMEN OF THE HOUSE**—I rejoice to meet you to-day. I welcome you to this old capitol, whose walls have often resounded with eloquent words for liberty, justice, and humanity.

Representing a State remarkable for the high character of its institutions, for the intelligence, morality and patriotism of its people, and for the fidelity with which its public affairs have generally been managed, you have met to deliberate upon amendments proposed to be made to the State Constitution. These amendments are quite numerous, and some of them of great importance.

However appropriate the present Constitution may have been at the time of its creation, twenty years of growth and prosperity have demonstrated that it is in many respects insufficient for the wants and requirements of the State now. Large interests that should be restricted are not, and other interests are hampered and fettered by useless and unnecessary restraints. In pruning the old Constitution let us preserve such features as time and experience have proved of value, and submit only such amendments as shall best subserve the general interest and the public good.

I am not of those who believe that our people have become degenerate, and all our public men dishonest. In the handling of immense sums of money, the inflation of the currency, and the great change of values incident to the suppression of the Rebellion, much fraud and speculation resulted, as they

always have and always will result from such circumstances; but I am simple enough to believe, despite of all the clamor, with unshaken faith, that the great mass of the American people and the great majority of American statesmen are honest. If, however, in the examination of the constitution you shall find any door ajar through which rings of corrupt cunning men may commit speculations and frauds upon the public treasure, I pray you close it so effectually that the citizen and the public servant may at least be as honest as the law can possibly make them.

The satisfaction of our meeting is diminished by events that have transpired within the year. When we parted I said from this chair that the probabilities were that we should never all meet again. My apprehensions are realized,—all are not here. Some have removed from the State, others are detained at home by ill health, and two, who commanded the respect, the confidence, and the esteem of every member of this body, have obeyed that stern and mandatory law, earth to earth, dust to dust, and sleep the sleep that knows no waking. Thus we are admonished, "What shadows we are, what shadows we pursue."

As the time prescribed for our session is brief, and the work in which we are to engage important, requiring a vote of two-thirds of all the members of this House for its ratification, may I express the hope that our sitting may not be delayed by any adjournments, other than from day to day, and that leave of absence may not be granted to any member, except for reasons specified in the letter or by the spirit of the law.

I will announce to the House that I have received official information of the death of Hon. L. Walker and Hon. F. Walker, and of the resignation of Hon. E. J. Bonine, Hon. E. Breitung, Hon. M. S. Chafey, and Hon. C. W. Watkins.

The Sergeant-at-Arms announced a committee from the Senate. The committee informed the House that the Senate was organized, and ready to proceed to business.

Mr. F. Walker presented the credentials of Hon. LeRoy Parker, member elect from the 2d district of Genesee county in place of Hon. Levi Walker, deceased.

Mr. Brunson presented the credentials of Hon. Lorison J. Taylor, member elect from the 2d district of Shiawassee county, in the place of Hon. Benjamin Walker, deceased.

Mr. Edwards presented the credentials of Hon. Henry J. Colwell, member elect from Marquette county, in place of Hon. Edward Breitung, resigned.

Mr. Chamberlain presented the credentials of Hon. Ethan A. Brown, member elect from the 3d district of Berrien county, in place of Hon. Evan J. Bonine, resigned.

Messrs. Parker, Taylor, Colwell and Brown came forward, and severally took and subscribed the constitutional oath of office, and took their seats.

On motion of Mr. Thomas, the House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the President.

Roll called: quorum present.

Mr. Ripley moved that a committee of two be appointed to wait upon the

Senate and inform that body that a quorum of the House is present and ready to proceed to business,

Which was agreed to.

The Speaker announced as such committee Messrs. Ripley and Garfield.

Mr. Thomas moved that a committee of three, on the part of the House, be appointed to act with a like committee on the part of the Senate, to wait on his Excellency, the Governor, and notify him that the two Houses are now in session, and ready to receive any communication he may desire to make, and to request him to indicate a time when he will communicate with the two Houses in joint convention.

Which was agreed to.

The Speaker announced as such committee Messrs. Thomas, J. Walker, and Hoyt.

Mr. Brunson offered the following:

*Resolved*, That the daily sessions of this House commence at 10 o'clock A. M., and at 2 o'clock P. M., until otherwise ordered.

Mr. Greusel moved to amend the resolution by striking out "10" and inserting "9" in lieu thereof.

Mr. F. Walker moved to amend the amendment by making the hour 9:30 A. M.;

Which was not agreed to.

The amendment making the hour of meeting 9 o'clock A. M. was then agreed to.

The resolution, as amended, was then adopted.

Mr. Shaw offered the following:

*Resolved*, That the sessions of this week, until otherwise ordered, shall be as in committee of the whole.

The question being on the adoption of the resolution,

Mr. Greusel demanded the yeas and nays.

The demand was seconded, and the resolution was not adopted, by yeas and nays as follows:

#### YEAS.

Mr. Cook,  
Ferguson,  
Fey,

Mr. Haywood,  
Hosner,  
O'Dell,

Mr. Remer,  
Robertson,

Mr. Shaw,  
Striker,

10

#### NAYS.

Mr. Ackley,  
Armstrong,  
Bailey,  
Bartholomew,  
Blackman,  
Briggs,  
Brown,  
Brunson.  
Burns,  
Cady,  
Carter,  
Chamberlain,  
Climie,  
Cobb,

Mr. Dinturff,  
Drake,  
Drew,  
Edwards,  
Fancher,  
Garvelink,  
Goodrich,  
Gordon,  
Green,  
Greusel,  
Haire,  
Hewitt,  
Howard,  
Hoyt,

Mr. Luce,  
Markey,  
R. C. Miller,  
Mitchell,  
Morse,  
Noyes,  
Parker,  
Parsona,  
Pierce,  
Priest,  
Rich,  
Robinson,  
Rose,  
Sanderson,

Mr. Simpson,  
Taylor,  
Thomas,  
Van Aken,  
Van Scoy,  
A. Walker,  
F. Walker,  
J. Walker,  
Walton,  
Watkins,  
Welch,  
Welker,  
Wheeler,  
Withington,

Mr. Collins,  
Colwell,  
Curtis,

Mr. Kellogg,  
Lewis,  
Lockwood,

Mr. Scott,  
Sessions,

Mr. Wixson,  
Zimmerman,  
66

Mr. Chamberlain offered the following:

*Resolved*, That the Clerk be authorized to furnish 700 copies of the daily journal of the House, for the use of its members;

Which was adopted.

Mr. Thomas offered the following:

*Resolved*, That each member be allowed five dollars for stationery during the session, and also that the Committee on Supplies be and are hereby required to furnish the Speaker, Chief Clerk, Enrolling and Engrossing Clerk, and the chairmen of committees such stationery as may be necessary.

Mr. Greusel moved to amend the resolution by striking out the word "five" and inserting the word "two" in lieu thereof;

Which motion did not prevail.

The resolution was then adopted.

The committee appointed by the House to wait on the Senate, and inform that body that a quorum of the House was present and ready to proceed to business, reported that they had performed that duty.

Report accepted and committee discharged.

Mr. Welker moved to reconsider the vote by which the House adopted the resolution relative to the stationary supplies;

Which motion did not prevail.

The committee appointed by the House to act with a like committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that the two Houses were organized and prepared to receive any communication he may desire to make, reported that they had performed that duty, and that the Governor had informed them that he would meet the two Houses in joint convention, at 3 o'clock this afternoon.

Report accepted and committee discharged.

On motion of Mr. Gordon, the House took a recess for 10 minutes.

The Speaker called the House to order at five minutes to three o'clock.

Roll called: quorum present.

Mr. Hoyt moved that a committee of three be appointed to wait on the Senate and inform that body that the House will be pleased to meet them in joint convention at 3 o'clock to receive the message of His Excellency the Governor;

Which motion prevailed.

The Speaker announced as such committee Messrs. Hoyt, Burns, and Parsons.

The committee after a short absence returned and reported they had performed the duty assigned to them.

Report accepted and committee discharged.

The Sergeant-at-Arms announced the Honorable Senators, who were conducted to seats.

#### PROCEEDINGS IN JOINT CONVENTION.

The joint convention was called to order by Hon. Henry H. Holt, Lieutenant Governor and President of the Senate.

The roll of the Senate was called by the Secretary thereof, and a quorum of the Senators were present.

The roll of the House was called by the Clerk thereof, and a quorum of the Representatives were present.

The President of the Senate announced that the two houses had assembled in joint convention to receive the message of His Excellency, Governor Bagley.

Senator Mickley moved that a committee of five be appointed to wait on His Excellency, the Governor, and inform him that the two Houses are assembled in joint convention, and are ready to receive any communication he may be pleased to make.

Which motion prevailed.

The President of the Senate appointed Senators Mickley and DeLand, and Representatives Rose, Parker, and Climie, as such committee.

After a short absence, the committee reported that they had discharged the duty assigned them, and announced His Excellency Governor Bagley in attendance.

The Governor then read to the joint convention his message; after which, On motion of Senator Hinds,

The joint convention adjourned *sine die*.

JAMES H. STONE,

*Secretary of the Senate.*

DANIEL L. CROSSMAN,

*Clerk of the House of Representatives,  
And Secretaries of the Joint Convention.*

The Honorable Senators then retired.

The House was called to order by the Speaker.

The roll was called, and a quorum of the members were present.

The Speaker announced that the Senate and House had met in joint convention and listened to a message from His Excellency, Governor Bagley.

The following is the message:

#### SENATORS AND REPRESENTATIVES—

In accordance with the provisions of Joint Resolution No. 19, passed at your last session, I appointed

S. M. CUTCHEON,	of Washtenaw County,
I. M. CRANE,	of Eaton County,
I. D. CROUSE,	of Livingston County,
JOHN DIVINE,	of Sanilac County,
J. R. DEVEREAUX,	of Houghton County,
W. M. FERRY,	of Ottawa County,
E. W. GIDDINGS,	of Macomb County,
H. H. HATCH,	of Bay County,
D. H. JEROME,	of Saginaw County,
E. W. MEDDAUGH,	of Wayne County,
S. C. MOFFATT,	of Leelanaw County,
ASHLEY POND,	of Wayne County,
H. H. RILEY,	of St. Joseph County,
CHAS. UPSON,	of Branch County,
H. G. WELLS,	of Kalamazoo County,
E. WILLITS,	of Monroe County,
S. L. WITHEY,	of Kent County,
L. WOODWARD,	of Oakland County,

as a Commission to prepare such amendments and revision of the constitution, as, in their judgment, might be necessary for the best interests of the State and the people. The Commission met at the Capitol on the 27th day of August last, and completed their labors on the 16th day of October, having been in session

thirty-nine days. In the appointment of this Commission I endeavored to select gentlemen representing, not only the varied interests of the State, but also the different shades of opinion on public matters. It seems to be the import of the resolution that the report of the Commission be submitted to the present Legislature; and there are many good reasons why this should be done, which have influenced me in calling you together in special session. These are patent to anyone upon a moment's reflection, and need not be enumerated here.

The resolution under which the Commission met declares what is well understood by all, whose business or inclination has called upon them to examine it, "The existing Constitution of the State of Michigan is defective in many respects, and needs to be amended to conform to the growth and development of the State, and the advanced ideas of the people." The work of the Commission has now been before the people since October last, and, it is but fair to presume, has received candid and careful attention. In calling you at this time to consider their report, the proposed amendments will be kept before the people, until they shall have an opportunity to express their will upon them at the ballot-box in November next, and cannot fail to have a more intelligent, fair, and careful consideration than if the matter be postponed by waiting for a regular session, until the general election in 1876, when the heat and partisan strife of a Presidential contest will assuredly prevent questions of State interest, of however much importance, from receiving the unprejudiced judgment of our citizens. I doubt not that each one of you has already given the subject careful and earnest attention, and I hope your action as a body may be such as will, approved by the people, give to the State a Constitution that will be a chart without errors for every public officer,—a sure guarantee to every citizen of his individual rights, and by and under which our State may continue its progressive march in the development of its material resources, and establish economy, prudence, and fidelity in the management of public affairs, as the organic law.

I feel it hardly my province to express an opinion as to the merits or demerits of the amendments, or to make such suggestions or recommendations as would be expected upon usual matters of legislation, yet I cannot refrain from briefly alluding to some of the propositions of the Commission.

I deem first in importance the provisions pertaining to finance and taxation.

SEC. 1, ART. X. *No county, city, township, or other municipal corporation, shall become a stockholder in, or make any loan or gift to, or lend its credit in aid of, any person, private corporation or association; nor shall any county, city, township, or other municipality construct or become the owner of any railroad. The provisions of this section shall not prevent such municipalities from aiding enlistments and in the support of the families of soldiers in time of war; or supporting their poor in such manner as may be provided by law.*

SEC. 2, ART. X. *Each organized county shall be a body corporate, with such powers and immunities as shall be [established] prescribed by law. All suits and proceedings by or against a county shall be in the name thereof. The power of counties to levy taxes, borrow money, and contract debts, shall be restricted by law.*

SEC. 15, ART. X. *No city or village shall incur indebtedness, including that incurred by or on behalf of any school district within its corporate limits, so that its aggregate debt at any time shall exceed ten per cent on the valuation of its taxable property, as shown by the assessment roll.*

SEC. 5, ART. XIV. *Every law hereafter enacted by the legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.*

SEC. 9, ART. XIV. *The State shall not aid, by gift, or pledge of its credit, any person or corporation, nor shall it subscribe to, or become interested in, the stock of any corporation, nor assume any indebtedness of a municipal or other corporation. The provisions of this section shall not apply to educational, charitable, reformatory or penal institutions which are, or may be, under the care and control of the State.*

These are golden words, and might well be engraved on stone and placed in



the walls of every capitol in the land. They say to us, "Keep out of debt if possible, but if you must make a debt, let it be for a legitimate purpose, restrict it to your ability to pay, and provide for its payment."

Happily for us as a people, we have not been as wasteful and improvident in contracting debts for schemes, which ought either to be paid out of current taxation, or not sanctioned at all, as many of our sister States have been. While our State debt is decreasing annually, every year sees the bonded indebtedness of our cities and towns increase. The policy of issuing bonds for municipal and local purposes is unwise, expensive, and leads to public extravagance. The people of a municipality in voting for the issue of a thousand-dollar ten per cent bond for twenty years, forget that the moment the bond is issued they have assumed an obligation of three thousand dollars.

There is, of course, a class of county, city, and township improvements that the future should perhaps help pay for. This, however, is amply provided for by permitting an indebtedness equaling ten per cent of the valuation.

The adoption of the several provisions above enumerated in the organic law of the State will forever close the door against the schemes of selfish speculators in paper railroads and other wild financial plans. We shall be prudent in our public expenditures, out of debt and out of danger, and set an example, as a State, worthy of imitation by each citizen in his private business. Had the spirit of these provisions been the rule of action in the management of private and public affairs, we should not have witnessed such a panic as that which so recently swept over our country.

In no department of its labors have the Commission shown more wisdom than in the provisions in Sec. 22, Art. IV., restricting special legislation, confining the business of law-making within its proper bounds, and thereby saving an incalculable amount of public time and money.

Fully one-half of the time of each legislative session is consumed in enacting special laws for individuals, localities, and private interests that are of no interest or necessity to the general public.

Special and local acts receive less careful consideration than those in which the public at large are interested, and thus much unwise and mischievous legislation finds its way into our statute books.

General laws are safer and better in every case in which they can be made to accomplish the desired end. Over-governing is a growing evil that these restrictions would do much to cure.

The changes proposed in the judiciary department, in Article VI., are radical. The proposed increase in the number of the Supreme Court Judges to five would give a permanency and solidity to judicial decisions that an evenly divided court cannot give, while the increase of business coming before the court will soon require an additional Judge.

Believing that education is a necessity to good self-government, we spend millions of dollars annually, to educate ourselves and those who are to come after us, to make sure that our government shall be good; and so long as our people are thus educated, just so long will they be fitted to elect their own judges.

Our experience for the past twenty-five years with an elective judiciary is to my mind an abundant proof of this statement.

In very many cases partisanship has been silent, and the people have united in casting their suffrages for judges whom they knew to be upright and capable,

regardless of all other considerations. There can be no higher evidence of the fitness of an intelligent people to select their own judges than this. I believe that whenever political power is taken away from a people, their fitness to be intrusted with power is decreased, and that whenever they are called upon to perform new duties, they are stimulated to fit themselves to perform them intelligently and well.

The Commission, in sections 1 and 2 of Article IX, provide that in lieu of the present salaries paid the State Officers and Judges, they shall be fixed by the Legislature. That the salaries of some of the State officers, and especially those of the Circuit Judges, demand a revision, seems to be generally conceded. Very many of our counties have, at different times, made appropriations to be paid directly to the Circuit Judge. There is no practice so reprehensible as this; but the necessity of it has seemed so apparent that the impropriety and illegality of it has been overlooked. I trust that by no action of yours or the people will our county authorities be tempted in the future to make these unconstitutional appropriations. Since the first of January, 1873, five of our Circuit Judges have resigned, for the reason that they could not pay their expenses and support their families with their salary. These frequent changes in the judiciary, in the matter of expense alone, cost more than a fair salary, while they take away from our judicial system what should be its leading characteristics, viz.: permanency and stability.

The present constitution was adopted in 1850,—nearly a quarter of a century ago. Our only State Institutions at that time were the State Prison and the University. The receipts and disbursements of the State Treasury were less than \$400,000 per annum, while to-day they are nearly \$2,000,000. Almost every State officer at that time received in fees more than his salary. No money was paid the State by its Treasurer for interest on deposit of State funds. To-day no State officer receives a single fee of any kind. From table "N." in the Auditor General's Report for 1873, you will learn that the payments *into* the Treasury of the State for interest on public deposits, and fees from the State officers from 1854 to Sept. 30, 1872, were \$291,435.47, and the receipts from the same sources for the year closing Sept. 30, 1873, were \$39,160.58. From 1838 to the year 1855 not a dollar was received from any of these sources. I fail to find in the financial reports of other States any such aggregate of receipts as this,—in many of them none at all,—from similar sources. I call your attention to these figures, for, though often published, I believe they are not often read.

These facts show very plainly that whatever may have been the intention of the framers of our present constitution, the greater portion of the State officers received in fees each year more than their salary. The practice of paying the deputy State officers a greater salary than the principal would seem to indicate that it was expected that the deputies should do the work, and the principals bear the responsibilities, draw the fees, and wear the honors. The business of the State has grown into such volume that any State officer who faithfully performs his duty (if he does it personally and not by proxy), must give to it his entire time and attention. That they do not, is simply because some time and attention must be given to some pursuit or occupation by which they can live. Ought we not in lieu of this pernicious system to say to our public officers: "Your salary shall be a reasonable one; you shall have such assistants as the business of your office demands; but we expect and demand of you, your personal attention and your individual care of the duties of your position." This is the straight, plain, and economical way. I do not believe in

high salaries for public officers. A salary that will induce men to seek position for the sake of the salary would tend to deteriorate the public service. It is not pleasant to reflect that the best men often cannot afford to serve the State, and that a private fortune must be an indispensable condition in filling certain important public positions. This, too, will deteriorate the public service. We all have an earnest and commendable desire to procure economy in administration, and patterns of republican simplicity in public life; we can do this, not by parsimony nor by extravagance, but by occupying a common ground of common sense that lies between the two. I have said that an educated, intelligent people are abundantly qualified to elect their own officers. I also believe they are willing to pay their public servants decently and fairly as they would do in their private affairs.

The article on "Corporations other than Municipal" contains some new provisions, and makes changes in existing provisions, all of which I think are improvements. But I refer to this article not so much for the purpose of calling your attention to what it contains, as for what it does not contain.

Sec. 11 of this article is left to stand as in the present constitution. It is apparent, that the sole and simple purpose of the first paragraph of this section, is to secure and preserve to the public the benefits which come from competition of railroads in the carrying business; there is no other thought or idea in it. And it is equally apparent that the provision as it stands will fail of this purpose.

"Consolidation of stock" is only one of the modes by which "parallel or competing lines" may combine and become one in interest. A very common method of effecting the same result is for one of the competing companies to lease the road of the other. Another is to acquire the controlling interest in the stock of the competing company, and thus secure control of the road. There are also other devices for securing the same result. If it be conceded that the policy of advantages of competition in railroad transportation is wholesome and just, as I think it must be, then this provision should be so altered and amended as, if possible, to accomplish this end. Upon reference to the proceedings of the Commission it will be seen that the section as reported by the committee on corporations reads as follows:

"No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place, except upon public notice given, of at least sixty days, to all stockholders, in such manner as shall be provided by law.

"Nor shall any such corporation lease any parallel or competing line of road, and no two or more parallel or competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding with reference to rates of fare or freight to be charged, or for the division of earnings."

If any attempt to preserve the advantages of railroad competition is to be made at all in the constitution, it should be broad enough to do it well.

The issue of stock, bonds and certificates of indebtedness by railroads, except for value received, is alike an injury to the honest stockholder or creditor and to the people. The practice is wrong, and is universally condemned in individuals. The State should, if possible, put it beyond the power of these beings which it creates to practice it. I suggest the propriety of requiring all corporations organized under the laws of this State, to maintain an office therein, where its books shall be kept, showing the amount of capital stock subscribed and paid in, the names of its stockholders, and the amount owned

by each. Such books should be kept in the State for the inspection of stockholders, and for the benefit of creditors. It frequently becomes the duty of the State to investigate the affairs of corporations within it, when such books are absolutely necessary; indeed, the State is largely interested in requiring every tax-paying corporation to keep and maintain within the State such books, not only, but in addition thereto, books showing fully its financial condition.

This, together with the other matters referred to in connection with this article, I beg to commend to your most careful consideration. These suggestions are made from no spirit of hostility to corporations. Every citizen of this State must appreciate the value of railroads in developing our natural resources and in promoting our prosperity. They can only be constructed and operated in the future, as in the past, by means of corporate existence. In all their rights and in their legitimate interests they deserve, and I have no doubt will receive, as they heretofore have done, the fostering care and protection of wholesome laws. Unjust legislation against them would have the effect to cripple their powers for usefulness, and this, in its effect, would reach and injure us all. The self-interest of the people of the State is, therefore, alone sufficient to prevent such legislation.

But, on the other hand, no undue sensitiveness should deter us from imposing upon them such restrictions and regulations as are demanded by the interests of the people, and are of such a character as furnish to the corporations no just cause of complaint, and are equally a protection for the corporators.

There is no State in the Union in which the rates of freight are lower than in this, nor in which the roads are managed more directly for the interests of the people. Competition is the chief cause of this condition of things, while the fact that the managers of most of our roads are our own citizens, and interested in the prosperity and welfare of the State, also has much to do with it. The more roads we have the more competition we shall have, and liberal legislation invites the building of roads, and thus competition is kept up. The propositions above enumerated are proposed in this spirit of liberality, and should have a place in the organic law as safeguards for the people, the roads, and the stockholders.

There are many other provisions in the report of the committee that are important and worthy of mention, but I fear that I may have already trespassed upon your time and patience in what I have said. I do not forget that I have no voice in the building of the constitutional fabric, except through the ballot-box. My pride in our State, my hope that its legislation shall be equal, just, pure, and wise, is my only excuse for the suggestions I have ventured to make.

In considering the question of remodeling the organic law of the State, I presume no one of you, nor any citizen, expects you to adopt an instrument that will suit each individual mind. Sincere beliefs and decided opinions may often have to be given up, that the greatest good to the greatest number may be accomplished. I trust that this is the spirit in which you have come together, and that from it you may create a Constitution that will meet the approval of your own judgment and that of the people, whose representatives you are.

JOHN J. BAGLEY.

The following is the proposed Constitution as reported by the Constitutional Commission :

## CONSTITUTION.

The People of the State of Michigan do ordain this Constitution:

## ARTICLE I.

## BOUNDARIES AND SEAT OF GOVERNMENT.

SECTION 1. The State of Michigan is bounded as follows, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same, said point being the northwest corner of the State of Ohio, as established by an act of Congress, entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake St. Clair, the St. Clair river, Lake Huron, the St. Mary's river, and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said Montreal river to the head waters thereof, as marked upon the survey made by Captain Cramm by authority of the United States; thence in a direct line to the center of the channel between Middle and South islands, in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the Brule river to the main channel of the Menominee river; thence down the centre of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

SEC. 2. The seat of government shall remain at Lansing.

## ARTICLE II.

## BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for their equal benefit, security, and protection. They have the right to change or reform the same whenever the public good requires. No special privilege or immunity shall be granted that may not be revoked.

SEC. 2. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes, or other rates, for the support of any minister of the gospel or teacher of religion.

SEC. 3. The civil and political rights, privileges and capacities of no person

shall be diminished or enlarged, nor shall any person be incompetent to be a witness, on account of his opinions or belief concerning matters of religion, nor shall any witness be questioned touching his religious belief.

SEC. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the accused shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 5. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall be passed.

SEC. 6. The privilege of the writ of *habeas corpus* shall not be suspended unless, in case of rebellion or invasion, the public safety may require it.

SEC. 7. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law. The legislature may authorize, in all civil and criminal cases, a trial by jury of a less number than twelve men.

SEC. 8. In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, to be informed of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEC. 9. Any suitor in any court in this State shall have the right to prosecute or defend his suit either in person or by attorney.

SEC. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable search and seizure. No warrant to search any place, or to seize any person or thing, shall issue without describing such place, person or thing, nor without probable cause, supported by oath or affirmation.

SEC. 11. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

SEC. 12. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 13. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishments shall not be inflicted; nor shall witnesses be unreasonably detained.

SEC. 14. No person shall be deprived of life, liberty or property, without due process of law. No person shall be compelled, in any criminal case, to be a witness against himself. But if any person shall elect to make a statement in his own behalf, he shall be subject to cross examination relative to the matter of such statement.

SEC. 15. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in case of fraud, or breach of trust, or for moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a military fine in time of peace.

SEC. 16. Every person has a right to bear arms for the defense of himself and of the State.

SEC. 17. The military shall be in strict subordination to the civil power.

SEC. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SEC. 19. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

SEC. 20. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 21. Aliens who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

SEC. 22. Private property shall not be taken for public use without just compensation.

### ARTICLE III.

#### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: Legislative, Executive, and Judicial.

SEC. 2. No person belonging to one department shall exercise power properly belonging to another, except in the cases expressly provided in this constitution.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

SEC. 2. The senate shall consist of thirty-two members. But, after the year one thousand eight hundred and seventy-five, the legislature may increase the number to thirty-three, by authorizing the election of two senators in that portion of the State now included within the limits of the thirty-second senatorial district. Senators shall be elected for four years, and by single districts. At the first election after the adoption of this amended constitution, senators in the odd-numbered districts shall be elected for two years, and in the even-numbered districts for four years. Such districts shall be numbered from one to thirty-three inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, unless such county shall be equitably entitled to two or more senators.

SEC. 3. The house of representatives shall consist of not more than one hundred and ten members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, and shall consist of convenient and contiguous territory; but every organized county containing a population of not less than four thousand, and every two or more contiguous organized counties, containing a like population, shall constitute a representative district, and be entitled to one representative. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts, equal to the number of representatives to which such county is

entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof according to the last enumeration.

SEC. 4. The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and eighty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall re-arrange the senate districts, and apportion anew the representatives among the counties and districts, according to the number of inhabitants. But no re-arrangement of senate districts shall vacate the seat of any senator. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

SEC. 5. Every senator and representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office.

SEC. 6. No person holding any elective State office, except that of regent of the university or member of the board of education, and no person holding the office of probate judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, or any office to which he was appointed by the president of the United States, by and with the advice and consent of the senate, shall be allowed to take or hold a seat in either house of the legislature.

SEC. 7. Senators and representatives shall not be subject to arrest upon any civil process during the session of the legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Each house shall choose its own officers, except as otherwise provided in this constitution; determine the rules of its proceedings, and judge of the qualifications, elections, and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents before his election.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be taken at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the senate shall be taken by yeas and nays, and published with the journal of its proceedings.

SEC. 12. The doors of each house shall be open, unless the public welfare



require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

SEC. 13. Bills may originate in either house, but no bill or new subject of legislation shall be introduced after the expiration of the first fifty days of the session, except on recommendation of the governor by special message. At extra sessions, legislation shall be confined to the subjects expressly named in the governor's proclamation, and subjects submitted by special message.

SEC. 14. Every bill and joint resolution passed by the legislature, and every concurrent resolution appropriating money or property, shall be presented to the governor, and if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon its journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass such bill or resolution, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become operative. In such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against it shall be entered on the journals of each house respectively. If any bill or resolution be not returned by the governor within ten days (Sunday excepted) after it has been presented to him, the same shall become operative in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become operative. The governor may approve, sign, and file in the office of the secretary of state, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same shall become operative.

SEC. 15. The compensation of members of the legislature shall be four dollars a day for actual attendance, and when absent on account of sickness. They shall be entitled to ten cents, and no more, for every mile actually traveled going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office not expressly authorized by this constitution.

SEC. 16. The president of the senate and speaker of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

SEC. 17. No person elected a member of the legislature shall receive any civil appointment within this State, or to the senate of the United States, from the governor, the governor and senate, from the legislature, or any other State authority, or be eligible to any office which shall have been created or the emoluments of which shall have been increased by the legislature during the term for which he is elected. All such appointments and all votes given for any person so elected, for any such office or appointment, shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the State, or any municipal corporation thereof, authorized by any law passed during the time for which he is elected, or for one year thereafter.

SEC. 18. Every bill and joint resolution shall be read three times in each house before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to

each house. On the final passage of each bill and joint resolution the vote shall be taken separately, by yeas and nays, and entered on the journal.

SEC. 19. No law shall embrace more than one object, which shall be expressed in its title. No law shall be revised, altered or amended, by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless, in case of some emergency to be stated in the act, the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house, to be taken by yeas and nays.

SEC. 20. The legislature shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

SEC. 21. The legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper, and printing for the executive department and State offices, and all other printing ordered by the legislature, shall be let by contract to the lowest competent and responsible bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind or alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the legislature or officer of the State shall be interested, directly or indirectly, in any such contract, or any contract with the State.

SEC. 22. The legislature shall not pass local or special laws in any of the following enumerated cases:

*First.* Divorcing any named party, or upon the subject of divorce;

*Second.* Changing the names of persons or places;

*Third.* Regulating the practice in courts of justice, or regulating the jurisdiction and duties of justices of the peace, or constables;

*Fourth.* Providing for change of venue in civil or criminal cases;

*Fifth.* Providing for the election or appointment of members of boards of supervisors;

*Sixth.* Summoning and empaneling grand and petit jurors;

*Seventh.* Regulating the rate of interest on money;

*Eighth.* Authorizing the sale, lease, or mortgage of real estate belonging to minors, or by executors or administrators, or by any religious corporation or society;

*Ninth.* Chartering or licensing ferries or toll-bridges;

*Tenth.* Remitting fines, penalties, or forfeitures;

*Eleventh.* Creating, increasing, or decreasing fees, percentages, or allowances of public officers;

*Twelfth.* Changing the law descent;

*Thirteenth.* Granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatever;

*Fourteenth.* Declaring any named person of age;

*Fifteenth.* Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties;

*Sixteenth.* Punishing crimes or misdemeanors;

*Seventeenth.* Adopting, by any person, any named person as his child or heir;

*Eighteenth.* Vacating or altering any road laid out by commissioners of highways, or any street, alley, or public ground in any city or village, or in any recorded town plat; or for building or repairing bridges, or for draining swamp or other low lands, except by expenditure of grants to the State;

*Nineteenth.* Exempting any property from taxation. The legislature shall provide by general laws for the cases enumerated in this section, and for all other cases which, in its judgment may be provided for by general laws.

SEC. 23. The legislature shall not establish a State paper.

SEC. 24. The legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

SEC. 25. No collector, holder or disburser of public moneys, shall have a seat in the legislature or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

SEC. 26. The legislature shall not audit or allow any private claim or account.

SEC. 27. The legislature shall meet at the seat of government on the first Wednesday in January, in the year eighteen hundred and seventy-five, and on the first Wednesday in January in every second year thereafter, and at no other place or time unless as provided in this constitution, and shall adjourn without day at such time as the legislature shall fix by concurrent resolution.

SEC. 28. The legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

SEC. 29. The election of senators and representatives pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and seventy-four, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

SEC. 30. The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SEC. 31. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

SEC. 32. The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as it may deem proper.

SEC. 33. The legislature shall not authorize any lottery, or permit the sale of lottery tickets.

SEC. 34. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, or school under private or denominational control, nor shall property belonging to the State be appropriated for any such purpose.

SEC. 35. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 36. The legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.

SEC. 37. The style of the laws shall be: "The People of the State of Michigan enact."

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor who has not been five years a citizen of the United States, a resident of this State two years next preceding his election, and attained the age of thirty years.

SEC. 3. The governor and lieutenant governor shall be elected at the times and places of choosing the members of the legislature. The person having the highest number of votes for governor or lieutenant governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for governor or lieutenant governor, the legislature shall, by joint vote, choose one of such persons.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection, and to repel invasion.

SEC. 5. He may require information in writing from officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 6. He shall take care that the laws be faithfully executed.

SEC. 7. He may convene the legislature on extraordinary occasions.

SEC. 8. He shall give to the legislature, and at the close of his official term to the incoming legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

SEC. 9. He may convene the legislature at some other place, when the seat of government becomes dangerous from disease or a public enemy.

SEC. 10. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

SEC. 11. He may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper; but the legislature may provide by law as to the manner of hearing applications for pardon. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature at each session, information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

SEC. 12. In case of the death of the governor, his removal or suspension from office, inability to perform the duties of the office, resignation, absence from the State, or other disability, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability cease. But when the governor shall be absent from the State at the head of the military forces thereof, he shall continue to be commander-in-chief.

SEC. 13. During the vacancy in the office of governor, if the lieutenant governor die, resign, be displaced, suspended, or be incapable of performing the

duties of his office, or absent from the State, the president *pro tempore* of the senate shall act as governor until the vacancy be filled or the disability cease.

SEC. 14. The lieutenant governor shall, by virtue of his office, be president of the senate, and when there is an equal division, he shall give the casting vote. In committee of the whole he may debate all questions.

SEC. 15. No member of congress, or any person holding office under the United States, or this State, shall execute the office of governor.

SEC. 16. No person elected governor or lieutenant governor shall receive any office or appointment from the legislature, or either house thereof, during the time for which he was elected.

SEC. 17. The lieutenant governor and president of the senate *pro tempore*, when performing the duties of governor, shall receive the same compensation as the governor.

SEC. 18. All official acts of the governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the secretary of state.

SEC. 19. All commissions issued to persons holding office under the provisions of this constitution shall be "In the name and by the authority of the people of the State of Michigan," sealed with the Great Seal of the State, signed by the governor, and countersigned by the secretary of state.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in a supreme court, in circuit courts, probate courts, justices of the peace, and in such other courts, tribunals and officers as are or shall be established or authorized by law.

SEC. 2. The supreme court shall be composed of five judges. Hereafter the judges of said court shall be nominated, and by and with the advice and consent of the senate, appointed by the governor; and their term of office shall be ten years. One judge of said court shall be appointed as soon as practicable after the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, and his term of office shall date from January first, one thousand eight hundred and seventy-four; and one judge of said court shall thereafter be appointed as the terms of the present and future judges shall expire.

SEC. 3. The supreme court shall have a general superintending control over all other courts and tribunals; and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, *certiorari*, *mandamus*, *procedendo*, prohibition, and other all appropriate writs and process. It shall also have original jurisdiction in cases of *mandamus*, *habeas corpus*, proceedings in the nature of *quo warranto*, and proceedings by *scire facias*, to vacate letters patent. Its appellate jurisdiction shall not extend to any civil case for the recovery of money or property in which the amount or value of the thing in controversy is less than one hundred dollars, exclusive of costs, except upon the allowance of an appeal, writ of error or *certiorari* by the judge who tried such case, or by a judge of the supreme court. The concurrence of three judges of said court shall be necessary to a final decision.

SEC. 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The supreme court shall have power, by general rules, to establish, and from time to time modify, the methods of procedure and the prac-

tice therein, and to appoint its clerks and a reporter of its decisions; and said court shall also have power to establish a code or codes of civil procedure, pleading and practice, including the commencement of suits and proceedings, for all other courts of record, and from time to time to alter and amend such codes.

SEC. 6. The legislature shall divide the State into judicial circuits, and may increase or decrease the number of the same from time to time, for each of which the governor shall nominate, and, by and with the advice and consent of the senate, appoint one circuit judge, who shall hold his office for the term of six years, and until his successor is appointed and qualified. No alteration of any circuit shall have the effect to remove a judge from office.

SEC. 7. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

SEC. 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this constitution and not prohibited by law, and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and a supervisory control of the same. They shall also have power to issue writs of injunction, *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions. The appellate jurisdiction of said courts shall not exceed any civil case in which the amount or value of the thing in controversy is less than twenty-five dollars, exclusive of costs, except upon allowance of an appeal or writ of *certiorari* by the judge of the court entitled to exercise such appellate jurisdiction.

SEC. 9. The respective circuit courts held in each county, or the judge thereof, shall appoint two circuit court commissioners, who shall be vested with such judicial and ministerial powers as shall be prescribed by law.

SEC. 10. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was appointed or elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, he shall be deemed to have vacated his office.

SEC. 11. When a vacancy occurs in the office of judge of the supreme or circuit court it shall be filled for the residue of the term by appointment of the governor, by and with the advice and consent of the senate; but if the senate is not in session when such vacancy occurs, the governor shall fill the same by appointment until the senate shall assemble, and for thirty days thereafter, when the vacancy shall be filled as hereinbefore provided. When a vacancy occurs in the office of judge of probate or judge of any court of record, other than the supreme or circuit court, it shall be filled by appointment of the governor, which appointment shall continue during the residue of the unexpired term, and until a successor is duly qualified.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

SEC. 13. During their continuance in office, and for one year thereafter, the judges of the supreme and circuit courts shall be ineligible to any other than a judicial office.

SEC. 14. In each county organized for judicial purposes there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on any one or more courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties, as shall be provided by law.

SEC. 15. The supreme, circuit and probate courts shall be courts of record, and shall each have a common seal.

SEC. 16. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term.

SEC. 17. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the legislature.

SEC. 18. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

SEC. 19. The style of all process shall be: "In the name of the People of the State of Michigan."

## ARTICLE VII.

### ELECTIVE FRANCHISE.

SECTION 1. In all elections, every person of the age of twenty-one years who shall have resided in this State three months, and in the township or ward in which he offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

*First*—Every male citizen of the United States;

*Second*—Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States pursuant to the laws thereof, six months preceding an election;

*Third*—Every male inhabitant residing in this State on the twenty fourth day of June, one thousand eight hundred and thirty-five.

SEC. 2. In time of war, insurrection or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or of this State, and their votes shall be made to apply to the township or ward of which they are residents. The legislature may provide by law for allowing townships to hold their elections in any city wholly or in part within the limits of such townships.

SEC. 3. All elections shall be by ballot, except of such township officers as may be authorized by law to be otherwise chosen.

SEC. 4. Every elector, in all cases except treason, felony, misdemeanor, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same. No elector shall be

obliged to attend court as a suitor or witness on the day of election, or to do military duty thereon except in time of war or public danger.

SEC. 5. No elector shall be deemed to have gained or lost his residence by reason of absence therefrom in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any alms-house or other asylum at public expense.

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against the abuses of the elective franchise.

SEC. 7. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed in any place within the same.

SEC. 8. Any inhabitant of this State who may hereafter be engaged in a duel shall be disqualified from holding any office and from voting at any election.

## ARTICLE VIII.

### STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election in November a secretary of state, a state treasurer, a commissioner of the state land office, a superintendent of public instruction, and an auditor general, for the term of two years, each of whom shall keep his office at the seat of government, and shall perform such duties as may be prescribed by law.

SEC. 2. Their term of office shall commence on the first day of January following their election.

SEC. 3. An attorney general shall be elected or appointed, as the legislature may by law provide.

SEC. 4. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

SEC. 5. The secretary of state, state treasurer and commissioner of the state land office, shall constitute a board of state auditors, to examine and adjust all claims against the State not otherwise provided for by law. They shall also constitute a board of state canvassers, to determine the result of all elections for governor, lieutenant governor and state officers, and of such other officers as shall by law be referred to them.

SEC. 6. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the legislature, in joint convention, shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

## ARTICLE IX.

### SALARIES.

SECTION 1. The governor, lieutenant governor, secretary of state, state treasurer, commissioner of the state land office, superintendent of public instruction, auditor general, attorney general, commissioner of railroads, commissioner of insurance, and all other state officers, shall receive for their services such salaries as shall be provided by law, which shall not be increased or diminished during their official term.



SEC. 2. The judges of the supreme court, the judges of the circuit courts, and the judges of all other courts of record, shall receive for their services such salaries as shall be provided by law, which shall not be diminished during their official term.

## ARTICLE X.

### MUNICIPAL CORPORATIONS.

SECTION 1. No county, city, township, or other municipal corporation, shall become a stockholder in, or make any loan or gift to, or lend its credit in aid of any person, private corporation or association; nor shall any county, city, township, or other municipality construct or become the owner of any railroad. The provisions of this section shall not prevent such municipalities from aiding enlistments, and in the support of the families of soldiers in time of war; or supporting their poor in such manner as may be provided by law.

#### *Counties.*

SEC. 2. Each organized county shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a county shall be in the name thereof. The power of counties to levy taxes, borrow money, and contract debts, shall be restricted by law.

SEC. 3. The board of supervisors of any county may borrow or raise by tax a sum not exceeding in any one year one and one-half mills upon the dollar of the assessed valuation thereof, for constructing or repairing public buildings, highways, or bridges: *Provided*, The indebtedness of a county incurred under this section shall at no time exceed three mills upon a dollar of such assessed valuation, unless authorized by a majority of the electors of the county voting thereon, as shall be provided by law.

SEC. 4. No organized county shall ever be reduced, by the organization of new counties, to less than sixteen townships as surveyed by the United States, unless, in pursuance of law, a majority of electors residing in each county to be affected thereby shall so decide. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization. Nothing herein contained shall be so construed as to prevent the legislature from organizing any county composed wholly of islands within the territory of the State, or discontinuing any such county and attaching the same to the nearest county or counties on the main land.

SEC. 5. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney, chosen by the electors thereof once in two years, whose duties and powers shall be prescribed by law; but the legislature may provide for the appointment, by the governor, of prosecuting attorneys, by and with the advice and consent of the senate. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

SEC. 6. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat.

SEC. 7. The sheriff shall hold no other office. No person shall be eligible to the office of sheriff for more than four in a period of six years. The county shall never be responsible for his acts.

SEC. 8. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities and villages shall have such representation in the board of supervisors of the counties in which they are situated as the legislature may direct.

SEC. 9. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 10. The board of county auditors in such counties as may be authorized by law to elect county auditors, and in every other county the board of supervisors, shall, except as otherwise provided by law, have power to prescribe the compensation for all services rendered for, and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.

SEC. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law.

#### *Townships.*

SEC. 12. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

SEC. 13. There shall be elected in each organized township, annually, on the first Monday of April, or at such other time as the legislature may provide, one supervisor, one township clerk, who shall be *ex officio* school inspector, one commissioner of highways, who shall hold his office for three years, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways of each highway district, and such other officers as may be provided by law, whose powers and duties shall be prescribed by law.

#### *Cities and Villages.*

SEC. 14. Cities and villages shall hereafter be incorporated only under general laws, in which their powers of taxation, borrowing money, and contracting debts, shall be restricted.

SEC. 15. No city or village shall incur indebtedness, including that incurred by or on behalf of any school district within its corporate limits, so that its aggregate debt at any time shall exceed ten per cent on the valuation of its taxable property, as shown by the assessment roll.

SEC. 16. The executive and legislative officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the legislature may direct.

SEC. 17. Existing charters of cities and villages may be altered and amended.

### ARTICLE XI.

#### CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations (other than municipal, and those for charitable, educational, penal and reformatory purposes under the control of public authority, shall be hereafter created only by general laws. The charter of no existing corporation not embraced in the above exceptions, shall be extended.

altered or amended. All general acts of incorporation, and general laws affecting corporations, may be altered, amended or repealed.

SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

SEC. 3. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

SEC. 4. The legislature shall provide for the registry of all bills or notes issued or put in circulation as money by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or of the United States, which shall be deposited with the state treasurer, for the redemption of such bills or notes in lawful money of the United States.

SEC. 5. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

SEC. 7. The stockholders in all corporations shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the extent of their respective shares in the stock of such corporation.

SEC. 8. No corporation shall hold any real estate for a longer period than ten years from the time of acquiring the same, except such real estate as shall be actually occupied by it in the exercise of its franchises.

SEC. 9. Foreign corporations may be permitted to do business in this State under such limitations and restrictions as may be prescribed by law, but shall be subject to the same restrictions and liabilities that are imposed, and shall have no greater rights than are conferred upon, domestic corporations of like character, and the stockholders of such foreign corporation shall be subject to like personal liabilities as stockholders in similar domestic corporations. No foreign corporation shall acquire or hold any lands in this State, except such as may be taken in good faith in payment of debts, or such as may be needed for such offices, depots, and warehouses as may be required for its legitimate business, and all lands hereafter acquired or held in violation of this provision shall escheat to the State. Provision shall be made for debarring all foreign corporations which shall violate any law of this State from thereafter being allowed to do business in the State.

SEC. 10. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and regulating the speed of trains, on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroads.

SEC. 11. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public

notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

SEC. 12. No corporation, except for municipal or mining purposes, for life insurance, or for the construction of railroads or canals, shall be created for a longer time than thirty years.

SEC. 13. The term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

## ARTICLE XII.

### IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

SEC. 2. Every impeachment shall be tried by the senate. When the governor or lieutenant governor shall be tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the members of the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office; but the party accused whether acquitted or convicted, shall be liable to trial and punishment according to law.

SEC. 3. When an impeachment is directed, the house of representatives shall appoint from their own body, a committee whose duty it shall be to prosecute such impeachment. An impeachment may be tried after the final adjournment of the legislature.

SEC. 4. No officer shall exercise his office after an impeachment is directed, until he be acquitted, but such disability shall not continue longer than three months, unless the trial of such impeachment shall have been commenced and proceeded with.

SEC. 5. For a reasonable cause, which shall not be a sufficient ground for the impeachment of a judge, the governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the legislature, after the party accused shall have had an opportunity to be heard in his defense; but the cause for which such removal is required shall be stated at length in such resolution.

SEC. 6. County, township, city, village or school district officers, may be removed in such manner and for such cause as may be provided by law.

SEC. 7. The governor shall have power, and it shall be his duty, except at such times as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointed, to suspend from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The attorney general, state treasurer, commissioner of the state land office, secretary of state, auditor general, superintendent of public instruction, or members of the state board of education, or any other officer of the State, except legislative and judicial, and to appoint a successor for the remainder of the unexpired term of office, and report the cause of such removal to the legislature at its next session.

SEC. 8. Whenever, during a recess of the legislature, it shall, in the opinion of the governor, become necessary to direct an impeachment of any civil officer, he may, by proclamation, convene the house of representatives for that purpose; and if the house, when so convened, shall direct an impeachment, he shall in like manner immediately convene the senate to try such impeachment; and whenever, in the opinion of the president of the senate and speaker of the house of representatives, it shall, during a recess of the legislature, become necessary to direct an impeachment of the governor, they may, by their joint proclamation, convene the house for that purpose; and if the house direct such impeachment, the said president and speaker shall, in like manner, immediately convene the senate to try such impeachment.

SEC. 9. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, by impeachment or otherwise, until he shall be acquitted, or until the election or appointment and qualification of a successor.

### ARTICLE XIII.

#### EDUCATION.

SECTION 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law; and he shall be a member, *ex officio*, of the boards of all State educational institutions, including the reform school.

SEC. 2. The regents of the university and their successors in office shall continue to constitute a body corporate by the name and title of "The Board of Regents of the University of Michigan." Said board shall consist of the two *ex officio* members provided for in this article, and eight elective members. The terms of office of the elective members shall be eight years, and two of such members shall be elected every second year at the time of the annual township election, so as to succeed the regents now in office as their several terms expire. Said board of regents shall, as often as necessary, elect a president of the university, who shall be its chief executive officer, and, *ex officio*, a member and president of said board, with the privilege of speaking, but not of voting. The supervision and control of the university shall be vested in the board of regents, and said board shall have the direction and control of all expenditures from the university funds; but all moneys appropriated by the legislature to the university upon condition, shall, if accepted, be applied as provided in the condition accompanying the appropriation.

SEC. 3. The state normal school shall continue under the supervision of the state board of education, which shall consist of the superintendent of public instruction, *ex officio*, and three elective members. The terms of office of said elective members shall be six years, and one of said members shall be elected every second year, at the time of the election of governor, and shall enter upon the duties of his office on the first day of January succeeding his election. Said board shall perform such other duties as shall be prescribed by law.

SEC. 4. The duties of the boards of the state public school, the agricultural college and the reform school, shall continue as now, or as shall be prescribed by law.

SEC. 5. Any vacancy that shall occur in any of the boards mentioned in this article shall be filled by appointment of the Governor.

SEC. 6. The legislature shall provide a system of primary schools, by which

a school shall be maintained in each school district in the State, free of charge for tuition, at least three months in the year. The instruction shall, in all cases, be conducted in the English language.

SEC. 7. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from general taxes for the support of schools.

SEC. 8. The proceeds from the sale of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

SEC. 9. All lands which have heretofore escheated, or which shall hereafter escheat to the State, shall inure to the benefit of the primary school fund, and be held and disposed of as primary school lands.

SEC. 10. The legislature shall provide for the establishment and maintenance of a library in each township, and of at least one in each city. And all moneys belonging to the public derived from fines, penalties, forfeitures or recognizances, imposed or taken in the several counties, cities, or townships for any breach of the penal laws of the State, shall be apportioned in the same manner as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of such libraries.

SEC. 11. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

## ARTICLE XIV.

### FINANCE AND TAXATION.

SECTION 1. The Legislature shall provide for the collection of specific taxes from banking, railroad and plank-road corporations, and may, in its discretion, impose specific taxes upon other corporations, and upon any property or business within this state; but when a specific tax is imposed upon a corporation, it shall only apply to such property of the corporation as shall be necessary for the exercise of its corporate franchises.

SEC. 2. All specific State taxes received from corporations, except mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund.

SEC. 3. The legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

SEC. 4. Every law hereafter enacted by the legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

SEC. 5. The unfunded debt shall not be funded or redeemed at a value

exceeding that established by law in the year one thousand eight hundred and forty-eight.

SEC. 6. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

SEC. 7. The State may contract debts to repel invasion, suppress insurrection, defend the State, or aid the United States in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to pay such debts.

SEC. 8. No money shall be paid out of the State treasury, except in pursuance of appropriations made by law. The legislature shall provide by law for barring all claims against the State, unless presented within a time to be therein fixed.

SEC. 9. The State shall not aid, by gift, or pledge of its credit, any person or corporation, nor shall it subscribe to, or become interested in, the stock of any corporation, nor assume any indebtedness of a municipal or other corporation. The provisions of this section shall not apply to educational, charitable, reformatory, or penal institutions which are or may be under the care and control of the State.

SEC. 10. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized by this constitution.

SEC. 11. The State shall not be a party to or be interested in any work of internal improvement, except the ship canal at the Sault Ste. Marie, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

SEC. 12. The legislature shall provide a uniform rule of taxation, except on property, business and corporations paying specific taxes. Taxes shall be levied on all property except such as is or may be exempted by law.

SEC. 13. All assessments hereafter authorized shall be on property at its cash value.

SEC. 14. The legislature shall provide for an equalization by a State board in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property except that paying specific taxes.

SEC. 15. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE XV.

### EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution.

SEC. 2. Every homestead of not exceeding forty acres of land, and the dwelling-house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village, or instead thereof,

at the option of the owner, any lot in any city or village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the State, not exceeding in value two thousand dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained, but any mortgage not given for purchase money, and any other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. If the owner of a homestead die, leaving a widow, child, or children, such homestead shall be exempt from the payment of his debts so long as the widow shall be without other homestead of her own, and during the minority of said child or children.

SEC. 4. The real and personal estate of every woman, acquired before marriage, and all property, real and personal, to which she may afterwards become entitled, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be held, controlled and disposed of by her in the same manner and with like effect as if she were unmarried. And the husband of any married woman shall not be liable for or on account of any debt or obligation of his wife contracted before her marriage, or contracted by her in relation to her sole property after marriage.

## ARTICLE XVI.

### MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

## ARTICLE XVII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the legislature, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of this State, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

SEC. 2. Judicial and legislative proceedings shall be conducted, and the laws and public records promulgated and preserved, in the English language.

SEC. 3. Public officers, receiving or having charge of public moneys, are prohibited from using or employing the same in any manner for their private use or



benefit, and whenever such moneys are deposited with any person or corporation, the interest thereon shall be paid to the fund to which such moneys belong.

SEC. 4. The legislature may authorize the taking of private property for the opening of private roads, for use in the improvement of navigable streams, and for florage when the public interests demand it.

SEC. 5. Before any private property shall be taken without the consent of the owner, for public use (except for public highways not within any city or village), or for any purpose named in the last above section, the necessity for taking such property, and the compensation to be paid therefor shall be determined by a jury of freeholders of the vicinity, or by not less than three commissioners, freeholders as aforesaid, appointed by a court of record, as may be provided by law, and such compensation shall be paid or tendered in such manner as shall be prescribed by law.

SEC. 6. The right of the public or of any individual to the free use of any navigable stream for any purpose for which such stream is capable of use, without improvement, shall not be abridged or obstructed by or under color of any authority which may be given by law to any individual or corporation to improve such stream and charge toll for the use thereof.

SEC. 7. No navigable stream in this State shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

SEC. 8. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws, at every regular session of the legislature.

SEC. 9. No mechanical trade shall hereafter be taught to convicts in the state prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other states or countries.

SEC. 10. Any woman above the age of twenty-one years, who shall be a resident of this State, and of the proper township, city, or ward, and who is a citizen of the United States, shall be eligible to the office of register of deeds, notary public, offices connected with schools and libraries, and to such other offices as may be designated by law.

SEC. 11. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

## ARTICLE XVIII.

### AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at such time as the legislature shall prescribe. And if a majority of the electors, qualified to vote for members of the legislature, voting on the amendment or amendments proposed, shall ratify and approve such amendment or amendments, the same shall become a part of the constitution; and take effect at the commencement of the year following its adoption.

SEC. 2. At any time after the first day of January, one thousand eight hundred and eighty-five, the legislature may provide for a convention, to be chosen by the qualified electors of the State, or for a commission to be appointed by the governor by and with the advice and consent of the senate, to revise or amend this constitution. Such revised or amended constitution shall be submitted to the electors qualified to vote for members of the legislature, at such time and in such manner as said convention or commission may provide. If a majority of the electors voting on such revised or amended constitution shall decide in favor thereof, the same shall take effect at the commencement of the year following its adoption.

#### SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into operation, it is hereby declared:

SECTION 1. The common law, and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments and informations which shall have been found or filed, or which may hereafter be found or filed, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the State under the present constitution and laws, shall accrue to the use of the State under this constitution.

SEC. 4. All recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of this State, or to any county or township, or to any public officer or public body, or which may be entered into or executed under existing laws, to the people of this State or to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid, and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

SEC. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this constitution.

SEC. 6. It shall be the duty of the legislature, at its first session after the adoption of this constitution, to adapt the present laws to the provisions of this constitution.

SEC. 7. Any territory attached, or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections for the purpose of representation.

## TAXATION OF THE LIQUOR TRAFFIC.

At the election when this amended constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following proposition, to be added, in case of its adoption, to section 47 of article IV. in the present constitution of this State, as it now stands, and to section 36 of article IV. in said amended constitution, if the latter is adopted, viz.:

An annual tax of two hundred dollars is imposed upon the traffic in intoxicating liquors, to be paid by every person or firm who shall carry on or be engaged in the business of selling or disposing of such liquors otherwise than for medicinal, chemical and mechanical purposes, for each place where such business is carried on by such person or firm. Said tax shall be paid into the treasury of the proper township, city, or village, and be applied by the proper authorities to the support of the poor therein, so far as may be necessary, and the residue appropriated as the legislature shall provide. The sale or other disposition of such liquors to minors, persons under guardianship, insane and idiotic persons, paupers and common drunkards, is wholly prohibited. Every person who shall carry on or engage in the business or traffic taxed as aforesaid in this section, without having first paid the tax imposed, or otherwise violate any provision of this section, shall be guilty of a misdemeanor, and, on conviction, be punished by fine or imprisonment, or both, as may be prescribed by law, and every sale until the tax is paid subject the party to such penalty; and all necessary laws shall be passed to enforce the provisions of this section. The legislature may further regulate and restrict the sale and other disposition of intoxicating liquors; and may increase the annual tax upon said traffic in any locality.

Said proposition shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box. Upon the ballots given for said proposition, shall be written, printed, or partly written or partly printed, the words, "Restriction and taxation of the liquor traffic—Yes;" and upon the ballots given against the adoption thereof, in like manner, the words, "Restriction and taxation of the liquor traffic—No."

If at said election a majority of the votes given upon said proposition shall contain the words "Restriction and taxation of the liquor traffic—Yes," then said proposition shall be added to section 47 in article IV. of the present constitution, and to section 36 in article IV. of said amended constitution, if the latter is adopted.

Mr. Parker offered the following:

*Resolved*, That a committee of three be appointed to draft resolutions of respect in memory of Hon. Levi Walker, deceased, late member of this House from the third district, Genesee County;

Which was adopted.

The Speaker announced as such committee, Messrs. Parker, Burns, and Rose.

Mr. Taylor offered the following:

*Resolved*, That a committee of three be appointed to draft resolutions expressive of respect for Benjamin Walker deceased, of the second district of Shiawassee county;

Which was adopted.

The Speaker announced as such committee, Messrs. Taylor, Parsons, and Blackman.

Mr. Rømer offered the following:

*Resolved*, That the amended Constitution of the State, as reported to the Governor by the Members of the Constitutional Commission in accordance with the joint resolution of the Legislature, passed at the regular session of 1873, be first referred to the committee of the whole, and taken up section by section as preliminary to further action by this House.

Which was adopted.

Mr. Watkins offered the following:

*Resolved*, That one thousand copies of the Governor's message be furnished by the Clerk for the use of the members of the House.

Which was adopted.

On motion of Mr. Rose,

The House adjourned.

*Lansing, Wednesday, March 4, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Fairfield.

Roll called: quorum present.

Absent without leave, Messrs. Bottomly, Buel, Edwards, Eggleston, Harris, Hoar, Kipp, Knapp, Perry, Speed, Warren, and West.

#### MOTIONS AND RESOLUTIONS.

Mr. Withington offered the following:

*Resolved*, That the proposed new Constitution be printed in bill form for the use of the House;

Which was not adopted.

Mr. Thomas presented the credentials of Hon. William F. Harden, member elect from the second district of Allegan county, in place of Hon. Charles W. Watkins, resigned.

Mr. Harden came forward and took and subscribed the constitutional oath of office, and took his seat.

#### GENERAL ORDER.

Mr. Ripley moved that the House do now resolve itself into a committee of the whole for the consideration of the proposed amendments to the Constitution.

Mr. Bartholomew moved to amend the motion so that, the Speaker remaining in the chair, the House proceed to work as in committee of the whole;

Which was accepted.

The motion as amended then prevailed.

Section 1, Article I., of the proposed Constitution, being under consideration,

Mr. Bartholomew moved to strike out the section;

Which motion did not prevail.

Mr. Shaw moved to reconsider the vote by which the House refused to strike out the section;

Which motion prevailed.

The question being on striking out the section,

On motion of Mr. Greusel,

Leave was asked to sit again for the consideration of this section.

Section 2 being under consideration,

Mr. J. Walker moved to strike out the word "Lansing," and insert the word "Jackson" in lieu thereof;

Which motion did not prevail.

Mr. Edwards moved to amend the section by striking out the word "Lansing," and inserting the word "Detroit" in lieu thereof;

Which motion did not prevail.

The section was then passed.

Article II. being under consideration, sections 1 and 2 were passed.

Mr. Ripley moved to amend section 3 by inserting after the word "enlarged," in line 2, the words "on account of his religious belief;"

Which was agreed to.

Mr. Remer moved to amend section 3 by adding at the end thereof the following: "But the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State;"

Which was not agreed to.

The section was then passed.

Sections 4, 5, and 6 were passed.

Mr. Speed moved to amend section 7, by inserting in line 5, after the word "cases," the words, "except in cases of felony;"

Pending which,

On motion of Mr. Hoyt,

Leave was asked to sit again for the consideration of this section.

Sections 8, 9, and 10 were passed.

Mr. Ripley moved to amend section 11, by striking out the words "or the presumption great,"

Which was not agreed to.

The section was then passed.

Section 12 was passed.

Mr. Ripley moved to strike out section 13.

Which motion did not prevail.

The section was then passed.

On motion of Mr. Hoyt,

Leave was asked to sit again for the consideration of section 14.

Sections 15, 16, 17, 18, 19, and 20 were passed.

Mr. Ripley moved to amend section 21 by inserting after the word "inheritance" the words "and conveyance and transmission by will or descent."

Which was not agreed to.

The section was then passed.

Section 22 was passed.

Mr. Thomas moved that Articles I. and II. be reported back with the amendments made, and that leave be asked to sit again.

Which motion did not prevail.

Article III., sections 1 and 2, was passed.

Article IV. being under consideration, section 1 was passed.

Mr. Blackman moved to amend section 2, by striking out the following: "by authorizing the election of two Senators in that portion of the State now included within the limits of the Thirty-second Senatorial District;"

Which was withdrawn.

On motion of Mr. Blackman,

Leave was asked to sit again in the consideration of this section.

On motion of Mr. Hoyt,

Leave was asked to sit again for the consideration of sections 3 and 4.

Section 5 was passed.

Mr. Thomas moved to amend section 6 by inserting after the word "attorney," the word "supervisor."

Mr. J. Walker moved to amend the amendment by inserting after the word "supervisor," the words "or physician."

Which was agreed to.

The motion as amended did not then prevail.

Mr. Speed moved to amend the section by inserting after the word "attorney," the words "county auditor;"

Which motion prevailed.

Mr. Edwards moved to amend the section by striking out the words "regent of the University, or;"

Mr. Morse moved to amend the amendment by making it read as follows: "except that of regent of the University or member of the board of education;"

Which was agreed to.

The amendment as amended was then agreed to.

The section was then passed.

Sections 7 and 8 were passed.

Mr. Ripley moved to amend section 9 by striking out the last line, as follows: "Nor for any cause known to his constituents before his election."

Which was agreed to.

The section was then passed.

Sections 10, 11, and 12 were passed.

Mr. Thomas moved to amend section 13 by striking out the word "fifty," and inserting "forty" in lieu thereof;

Which motion did not prevail.

The section was then passed.

Mr. Ripley moved to amend section 14, by inserting after the word "Legislature" the words "shall be presented to the Governor for his signature," and by striking out after the word "property," the words "shall be presented to the Governor."

Which motion did not prevail.

Mr. Luce moved to strike out the word "operative" wherever it occurs in section 14, and insert in lieu thereof the words "a law;"

Which motion prevailed.

Mr. Noyes moved to amend section 14 by striking out the word "and," in line 2, and inserting "also" in lieu thereof;

Which motion prevailed.

The section was then passed.

Mr. Noyes moved to amend section 15 by striking out the word "four," in line 2, and inserting the word "two" in lieu thereof.

Mr. Luce moved to amend the amendment by inserting "three" instead of "two;"

Which was not agreed to.

The motion to amend did not prevail.

Mr. Welker moved to amend section 15 by striking out the words, "ten cents, and no more, for every mile actually traveled," and inserting in lieu thereof the words, "actual traveling expenses, and four dollars per day;"

Which motion did not prevail.

Mr. Edwards moved to amend section 15 by striking out the words "and for stationery and newspapers not exceeding five dollars for each member during any session;"

Which motion did not prevail.

Mr. Speed moved to amend section 15 by striking out the words "four dollars" and inserting "three dollars and one cent" in lieu thereof.

Pending which

On motion of Mr. Simpson,

The committee rose and reported their doings to the House and asked leave to sit again.

Report accepted.

On motion of Mr. Thomas,

Leave was granted the committee to sit again.

On motion of Mr. Simpson,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The Speaker announced the following:

*Lansing, March 4, 1874.*

HON. C. M. CROSWELL,

*Speaker of the House of Representatives:*

SIR—I hereby tender my resignation as Corresponding Clerk of the House of Representatives.

Very respectfully,

H. W. WALKER.

The communication was laid on the table.

#### GENERAL ORDER.

On motion of Mr. Withington,

The House resolved itself as into a committee of the whole for the consideration of the proposed Constitution.

The question pending being an amendment to section 15, Article IV., to strike out in line 2 the words "four dollars" and insert in lieu thereof the words "three dollars and one cent,"

The motion did not prevail.

The section was then passed.

Section 16 was passed.

Mr. Blackman moved to amend section 17 by striking out all after the word "elected" in the last line,

Which motion prevailed.

Mr. Blackman moved to further amend the section by inserting after the word "shall" in line 2 the words "during the term for which he was elected," and by striking out in line 7 the words "the term for which he is," and inserting the words "such term" in lieu thereof,

Which motion prevailed.

The section was then passed.

On motion of Mr. Speed,

Section 18 was amended by inserting after the word "resolution" in line 5 the words "or concurrent resolution appropriating money or property."

The section was then passed.

Sections 19 and 20 were passed.

On motion of Mr. Ripley,

Section 21 was amended by striking out all after the words "such contract" in the last line.

The section was then passed.

Sections 22 and 23 were passed.

Mr. Walker moved to strike out section 24 ;

Which motion did not prevail.

The section was then passed.

Sections 25 and 26 were passed.

Mr. Thomas moved to amend section 27, by striking out of line 4 the word "second ;"

Which motion did not prevail.

The section was then passed.

Sections 28, 29, 30, 31, 32 and 33 were passed.

On motion of Mr. Speed,

Section 34 was amended by inserting after the word "treasury" in line two, the words "of this State, or of any municipal corporation ;" and by inserting in the last line after the word "State," the words "or any municipal corporation."

The section was then passed.

Section 35 was passed.

Mr. Grensel moved to strike out section 36 :

Which motion did not prevail.

The section was then passed.

Section 37 was passed.

Mr. Welker moved to amend Article IV. by inserting a new section to stand as section 37, the present section 37 to stand as section 38 ; the new section to read as follows :

"Section 37. No member of the Legislature shall not accept or receive favors from any railroad, in the shape of a free pass, or otherwise."

Mr. Green moved to amend the amendment by inserting after the word "Legislature," the words "or State, county, or township officers ;"

Which was accepted.

Mr. Thompson moved to amend the amendment by adding thereto the words, "and no farmer or gardener shall present any fruit or vegetables to any Circuit Judge ;"

Which was agreed to.

The motion to insert a new section did not prevail.

Article V. being under consideration, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, were passed.

On motion of Mr. Ripley,



Section 15 was amended by adding thereto the words, "except as specified in this constitution."

The section was then passed.

On motion of Mr. Shaw,

Section 16 was stricken out.

Sections 17, 18, and 19 were passed.

#### REPORT OF COMMITTEE OF THE WHOLE.

On motion of Mr. Bartholomew,

The committee rose and reported its action to the House, as follows:

The committee of the whole have had under consideration the following entitled portions of the proposed amended Constitution, viz.:

All of Articles I., II., III., IV., and V.

They have made sundry amendments thereto, as follows:

1. Amend section 3, Article II., by inserting after the word "enlarged" the words, "on account of his religious belief;"

2. Amend section 6, Article IV., by striking out, commencing at last end of line 1, the words "except that of Regent of the University or member of the Board of Education;"

3. Also, amend same section 6, Article IV., by inserting after the word "attorney" the words "county auditor;"

4. Amend section 9, Article IV., by striking out all of the ninth or last line, viz.: the words "nor for any cause known to his constituents before his election;"

5. Amend section 14, Article IV., by striking out of the second line the word "and" and inserting in lieu thereof the word "also;"

6. Also, amend section 14, Article IV., by striking out wherever it occurs in italics in the section, the word "operative" and inserting in lieu thereof the words "a law;"

7. Also, amend section 17, Article IV., by inserting after the word "shall," in the second line, the words "during the term for which he is elected," and by striking out all after the word "during," in the seventh line, to and including the word "elected," in the same line, and insert in place thereof the words "such term."

8. Amend section 17, Article IV., by striking out of the last line the words "or for one year thereafter;"

9. Also, amend section 18, Article IV., by inserting in the first line, after the word "resolution," the words "or concurrent resolution appropriating money or property."

10. Amend section 21, Article IV., by striking off of the last line of the article the words "or any contract with the State."

11. Also, amend section 34, of Article IV., in line 2d, by inserting after the word "treasury," the words "of this State, or of any municipal corporation."

12. Also, amend section 34, of Article IV., by inserting after the word "State," in the last line, the words "or any municipal corporation."

13. Amend section 15, Article V., by adding at the end of the section the words "except as specified in this constitution."

14. Also, amend Article V., by striking out the whole of section 16.

And have directed their chairman to report back to the House the following entitled portions of said amended Constitution:

Section 2, Article I.;

Sections 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22, of Article II;

All of Article III.;

Sections 1, 5, 7, 9, 10, 11, 12, 13, 16, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36 and 37, of Article IV.;

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18 and 19, of Article V.,

Without amendment, and recommend that they be placed on the order of third reading.

And have directed their chairman to report back to the House the following: entitled portions of said amended Constitution, viz.:

Section 1, Article I.;

Sections 7 and 14, Article II.;

Sections 2, 3, 4, and 15, of Article IV.,

As portions of said Constitution not fully considered, and ask leave to sit again.

Report accepted and committee discharged.

The question being on concurring in the several amendments made by the committee.

Mr. Hoyt demanded a division of the question.

The question being on concurring in the amendment made by the committee to section 6, Article IV., in striking out the words "except that of regent of the University, or member of the board of education,"

Mr. Edwards demanded the yeas and nays.

The demand was seconded, and the amendment was concurred in by yeas and nays as follows:

#### YEAS.

Mr. Ackley,	Mr. Garvelink,	Mr. Lamb,	Mr. Rose,
Bailey,	Gordon,	Lockwood,	Sanderson,
Blackman,	Green,	Luce,	Simpson,
Briggs,	Greusel,	Markey,	Smith,
Brown,	Harden,	R. O. Miller,	Striker,
Cady,	Haywood,	Mitchell,	Taylor,
Chamberlain,	Hertzler,	Morse,	Van Aken,
Collins,	Hewitt,	Noyes,	Van Scoy,
Colwell,	Hosner,	Pierce,	J. Walker,
Curtis,	Howard,	Priest,	Welch,
Drake,	Hoyt,	Rich,	Welker,
Edwards,	Kellogg,	Ripley,	Wheeler,
Fancher,	Knapp,	Robinson,	Wixson, 52

#### NAYS.

Mr. Armstrong,	Mr. Dinturff,	Mr. O'Dell,	Mr. Speed,
Bartholomew,	Drew,	Parker,	Thomas,
Bottomley,	Ferguson,	Parsons,	A. Walker,
Brunson,	Fry,	Perry,	F. Walker,
Burns,	Gafield,	Ramer,	Walton,
Capolis,	Goodrich,	Robertson,	Watkins,
Carter,	Grant,	Scott,	Withington,
Climie,	Haire,	Sessions,	Zimmerman,
Cobb,	Lewis,	Shaw,	Speaker, 39
Cook,	E. R. Miller,		

The section was placed on the order of third reading.

The question being on concurring in the amendments made to section 17, Article IV.,

On motion of Mr. Withington,

The section was re-committed to committee of the whole.

The amendments made by the committee to section 3, Article II., sections 9 14, 17, 18, 21 and 34 of Article IV., were concurred in by the House, and they were placed on the order of third reading.

The question being on concurring in the action of the committee in striking out all of section 16, Article V., the same was concurred in.

The request of the committee for leave to sit again in the consideration of section 1, Article I., sections 7 and XIV., Article 2, sections 2, 3, 4 and 5, Article IV., was granted.

All of Articles I., II., III., IV., and V., to which the committee made no amendments, nor which suffered other disposition, were placed on the order of third reading.

On motion of Mr. Hoyt,

The committee of the whole was discharged from the further consideration of section 7, Article II., and it was referred to the committee on judiciary.

Mr. Grelselt offered the following:

*Resolved* (the Senate concurring), That the State printer be instructed to transmit to each of the newspapers in the State, to the Judges of the Supreme Court, circuit and probate courts, and the superior court of Detroit, the State officers, and to the clerks of each of the several counties in the State, one copy of the journal of the Senate and House of Representatives, during the present extra session.

On motion of Mr. Rose,

The rules were suspended and the resolution was placed on its immediate passage.

Pending the vote on the adoption of the resolution,

Mr. Shaw moved to amend the resolution by inserting after the word "State" the words "and each member of the Constitutional Commission," Which was accepted.

The resolution was then adopted.

On motion of Mr. Bartholomew,

The House adjourned.

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*Lansing, Thursday, March 5, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Allis.

Roll called: quorum present.

Absent without leave, Messrs. Buel, Caplis, Edwards, Eggleston, Gilmore, Harris, Hoar, Kipp and West.

#### PRESENTATION OF PETITIONS.

By Mr. Dinturff: Memorial of the board of supervisors of Livingston county, relative as to the assessment of taxes.

The following is the memorial:

The Board of Supervisors of the county of Livingston met pursuant to adjournment at the Court House in the village of Howell, on the fifth day of January, A. D. 1874.

\* \* \* \* \*

*Saturday, January 10, 1874, 8 o'clock A. M.*

Board met: roll called: quorum present.

\* \* \* \* \*

Mr. Gregory, chairman of committee appointed to take into consideration the communication received from Genoa Farmers Club, presented the following report, viz.:

WHEREAS, We, as Supervisors, find great difficulty in taking assessments under the existing tax laws of the State in such a manner as that equal justice shall be meted to all, for several reasons;

1. Being required to assess real and personal property for its full value regardless of the indebtedness of the person in possession of the same, at the same time being required to assess all moneys and credits, thus necessarily doubly assessing large amounts of property;

2. Being required to assess all property for its full cash value, while by so doing the amounts raised by the tax of two mills on the dollar to be raised and be expended for school purposes would be largely in excess of the requirements, and would create an overplus of funds in many school districts; therefore be it

*Resolved*, By the Board of Supervisors of Livingston county, that the Honorable, the Legislature of the State of Michigan be and is hereby petitioned to amend such laws to provide:

1. That personal property shall be exempt from taxation to the amount of the indebtedness of the person possessing the same, other than debts secured by mortgage on real estate.

2. That the occupant of any real estate mortgaged be required to pay the tax assessed to the mortgagors, and the collector's receipt for the same be a legal off-set in the payment of such mortgage.

3. That mortgages on real estate be assessed to the mortgagor, and that the value of such estate above mortgages be assessed to the owner or occupant.

4. That the clause relative to the "two-mill tax" be repealed.

*Resolved*, That the Clerk of the Board of Supervisors be required to present a copy of the foregoing preamble and resolution, to the Legislature of Michigan at its next session.

H. GREGORY,  
H. J. HAVEN,  
WM. H. HALLECK, } *Committee.*

HOWELL, January 10, 1874.

Which were accepted and adopted.

E. B. WINANS, *Chairman.*

BENJ. F. BATCHELER, *Clerk.*

STATE OF MICHIGAN, COUNTY OF LIVINGSTON, ss.:

I, Benj. F. Batcheler, clerk of the said county of Livingston, do hereby certify that the foregoing is a true and compared copy of the original on file and of record in my office.

In testimony whereof, I have hereunto set my hand and the seal of the circuit court for the said county of Livingston, this second day of

[L. S.] March, in the year of our Lord one thousand eight hundred and seventy-four.

BENJ. F. BATCHELER, *Clerk.*

The memorial was referred to the committees on ways and means and local taxation, jointly.

#### MOTIONS AND RESOLUTIONS.

Mr. Miller offered the following:

*Resolved*, That the resident clergymen of Lansing are respectfully invited to be in attendance and officiate at the opening of the sessions of the House; Which was adopted.

Mr. Speed offered the following:

*Resolved*, That the committee of the whole be discharged from the consideration of Article VI., entitled "Judicial Department," and that it be referred to the committee on judiciary, and that committee be instructed to make such modifications and changes as will adapt it to a system by which the judges shall be elected;

Which was adopted.

Mr. Hoyt offered the following:

*Resolved* (The Senate concurring), that the judiciary committees of the two Houses be and hereby are instructed to jointly consider and report upon the most advisable method of submitting to the people the proposed amendments to the Constitution.

On motion of Mr. Hoyt,

The rules were suspended, and the resolution was adopted.

On motion of Mr. Hoyt,

The House resolved itself as into committee of the whole, for the consideration of the proposed Constitution.

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

Sec. 1, Art. I. being under consideration,

On motion of Mr. Hoyt,

It was directed to be reported back, with the recommendation that it be referred to the committee on State affairs.

Section 14, Article II., being under consideration,

Mr. Fey moved to amend the same by striking out the following words: "But if any person shall elect to make a statement in his own behalf, he shall be subject to cross examination relative to the matter of such statement.

Which motion did not prevail.

Mr. Armstrong moved to amend the section by inserting after the word "cross-examination" the words "by the court."

Which motion did not prevail.

The section was then passed.

Section 2, Article IV., being under consideration,

Mr. Grant moved that the committee ask leave to sit again in its consideration.

Which motion prevailed.

Mr. Blackman moved to amend section 3 by striking out all after the word "territory" in line 8 to and including the word "representative" in line 12, and insert the following in lieu thereof: "Each county hereafter organized with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to one-half of the ratio of representation."

Mr. Lockwood moved as a substitute to strike out all after the word "county" in line 8 to the word "shall" in line 11.

Which was not agreed to.

The motion to amend did not then prevail.

Mr. Brunson moved to amend the section by striking out at the end of line 2 the words "and ten;"

Which motion did not prevail.

Mr. Ripley moved to amend the section by inserting after the word "representative," in line 12, the words "but every county shall be attached to some representative district;"

Which motion prevailed.

The section was then passed.

Mr. Greusel moved to amend section 4 by adding thereto the following:

"Except in cities having a population of twenty thousand and upward, which may be changed by the accession of additional territory adjacent to said cities."

Which motion prevailed.

Mr. Shaw moved to reconsider the vote by which the committee agreed to the amendment;

Which motion prevailed.

The question being on agreeing to the amendment,

On motion of Mr. Shaw,

The section was ordered reported back, with the recommendation that it be referred to the committee on municipal corporations.

Mr. Welker moved to amend section 15, by striking out of line 3 the word "ten," and inserting in lieu thereof the word "five;"

Which motion did not prevail.

The section was then passed.

Article VII. being under consideration,

Mr. Climie moved to amend Sec. 1 by striking out the word "male," wherever it occurs;

Which motion prevailed.

Mr. Green moved to amend the section by striking out the word "ten" in line 4, and inserting the word "twenty" in lieu thereof;

Which motion did not prevail.

Mr. J. Walker moved to amend the section by inserting the word "female" in lieu of the word "male," where stricken out by the committee;

Which motion did not prevail.

Mr. Thomas moved to reconsider the vote by which the House agreed to strike out the word "male" from the section;

Which motion did not prevail.

The section was then passed.

Mr. Ackley moved to amend Sec. 2 by striking out the words, "the legislature may provide by law for allowing townships to hold their elections in any city wholly or in part within the limits of such townships;

Mr. Speed moved to amend the amendment by inserting in lieu of the words proposed to be stricken out, the words, "the legislature may provide for allowing any township to hold its elections in any adjacent city;"

Which was not agreed to.

Mr. Withington moved to amend the section by inserting the word "outer" before the word "limit," in line 9;

Mr. Blackman moved as a substitute to strike out the words "wholly, or in part within," and insert the words "contiguous to;"

Which was not agreed to.

The motion to amend did not prevail.

Mr. Parker moved to amend the section by inserting in lieu of the words proposed to be stricken out, the following:

"The Legislature may provide by law for allowing townships to hold their elections in that portion of any city taken wholly or in part from any adjacent township;"

Which was not agreed to.

The motion to strike out did not then prevail.

The section was then passed.

On motion of Mr. Greusel,

The committee rose and asked leave to sit again.

On motion of Mr. Shaw,

Leave to sit again was granted.

Mr. Bartholomew, leave being granted, moved that the committee of the whole be discharged from the further consideration of Article XIII., entitled "Education," and that said article be referred to the committee on education, with instructions to report a substitute therefor, providing for a Superintendent of Education and a single Board of Education, which shall have charge of all State educational institutions;

Which motion did not prevail.

On motion of Mr. Grant,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Noyes moved that there be a call of the House;

Which motion did not prevail.

On motion of Mr. Withington,

The House resolved itself as into a committee of the whole, for the consideration of the proposed Constitution.

#### PROCEEDINGS IN COMMITTEE.

The Speaker in the chair.

Sec. 3, Article VII., being under consideration,

The same was passed.

Mr. Ackley moved to amend Sec. 4, by striking out, in line 3, the words, "his attendance at," and inserting in lieu thereof the words, "day of;"

Which motion did not prevail.

The section was then passed.

Mr. Ripley moved to amend Sec. 5 by adding thereto the words "nor while confined in any public prison;"

Which motion did not prevail.

The section was then passed.

Sections 6, 7, and 8 were passed.

Article VIII. being under consideration,

Mr. Noyes moved to amend Sec. 1, by inserting after the word "general" in line 4 the words "an attorney general;"

Which motion prevailed.

The section was then passed.

Mr. Speed moved to amend Sec. 2 by striking out the word "day," and inserting the word "Monday" in lieu thereof;

Which motion did not prevail.

The section was then passed.

On motion of Mr. Drake,

Sec. 3 was stricken out.

Sections 4, 5, and 6 were passed.

Article IX. being under consideration,

Mr. Striker offered the following substitute therefor:

#### ARTICLE IX.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars. The Judges of the Circuit Courts shall each receive an annual salary of two thousand and five hundred dollars; Commissioner of Railroads shall receive an annual salary of three thousand dollars; Commissioner of Insurance shall receive an annual salary of one thousand and five hundred dollars; the State Treasurer shall receive an annual salary of one thousand and five hundred dollars; the Auditor General shall receive an annual salary of one thousand and five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand and five hundred dollars; the Secretary of State shall receive an annual salary of one thousand and two hundred dollars; the Commissioner of the Land Office shall receive an annual salary of one thousand and two hundred dollars; the Attorney General shall receive an annual salary of one thousand and two hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase or diminish the salaries herein provided during their official terms.

Pending which,

On motion of Mr. Grant,

The section was ordered reported back, with the recommendation that it be referred to the committee on State affairs, with instructions to report a substitute therefor, fixing the various salaries at definite amounts.

Article X. being under consideration,

Sections 1 and 2 were passed.

On motion of Mr. Withington,

Sec. 3 was ordered reported back, with the recommendation that it be referred to the committee on ways and means.

Mr. Watkins moved to amend Sec. 4, by inserting in line 3, after the word "States," the words "nor shall any new county be organized from territory included in organized counties;"

Which motion did not prevail.

The section was then passed.

On motion of Mr. Ferguson,

Sec. 5 was amended by striking out, in lines 5, 6, 7, and 8, the following:

"But the Legislature may provide for the appointment, by the Governor, of prosecuting attorneys, by and with the advice and consent of the Senate."

The section was then passed.

On motion of Mr. O'Dell,

Sec. 6 was amended by inserting after the word "treasurer," in line 1, the words "prosecuting attorney."

The section was then passed.



Sec. 7 was passed.

Mr. Green moved to amend Sec. 8 by striking out in line 3 the words "and villages;"

Which motion did not prevail.

The section was then passed.

Sections 9, 10, 11, and 12 were passed.

On motion of Mr. Gordon,

Sec. 13 was amended by striking out, in line 5, the word "three" and inserting the word "one" in lieu thereof.

Mr. Luce moved to amend the section by striking out the words "and such other officers as may be provided by law;"

Which motion did not prevail.

Mr. Warren moved to amend the section by striking out the words "who shall be *ex officio* school inspector;"

Which motion did not prevail.

Mr. Welch moved to amend the section by striking out in line 6, the word "one," and inserting in lieu thereof, the word, "two."

Mr. Rich moved as a substitute for the motion, to insert after the word "inspector," in line 6, the words, "who shall hold his office for two years;"

Which was accepted.

The motion to amend then prevailed.

The section was then passed.

Sections 14 and 15 were passed.

On motion of Mr. Speed,

Sec. 16 was amended so as to read as follows:

"The chief executive, and legislative officers of cities and villages, and inspectors of school districts lying within their corporate limits, shall be elected."

On motion of Mr. Chamberlain,

The committee rose and reported their doings to the House, as follows:

#### REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the following named portions of the proposed amended Constitution, viz:

Section 1, Art I; Sec. 14, Art. II; Secs. 2, 3, and 15, Art. IV.; all of Arts. VII., VIII., IX., and X.;

And have made sundry amendments thereto as follows:

1. Amend Sec. 3, Art. IV., by inserting after the word "representative" in eighth line the following words, "But every county shall be attached to some representative district;"

2. Amend Sec. 1, Art. VII., by striking out wherever it occurs, the word "male."

3. Amend Sec. 1, Art. VIII., by inserting after the words "Auditor General," the words, "An Attorney General;"

4. Strike out all of Sec. 3, Art. VIII.;

5. Amend Sec. 5, Art. X., by striking out, commencing in the fifth line, these words, "But the Legislature may provide for the appointment by the Governor of prosecuting attorneys, by and with the advice and consent of the Senate."

6. Amend Sec. 6, Art. X., by inserting after the word "treasurer" the words "prosecuting attorney;"

7. Amend Sec. 13, Art. X., by striking out the word "three" where it occurs in fifth line, and inserting in lieu thereof the word "one;"

8. Amend Sec. 13, Art. X., by inserting after the word "inspector" in sixth line the words "who shall hold his office for two years;"

9. Strike out all of Sec. 16, Art. X., and substitute therefor the following to stand as Sec. 16 of Art. X.: "The chief executive and legislative officers of cities and villages, and inspectors of schools lying within their corporate limits, shall be elected ;

And have directed their chairman to report back to the House the following portions of said Constitution: Sec. 1, Article I., and all of Article IX., with the recommendation that it be referred to the committee on State affairs ;

Sec. 4, Article IV., with the recommendation that it be referred to committee on municipal corporations ;

Sec. 3, Article X., with the recommendation that it be referred to the committee on ways and means, with instruction that they report a substitute, stating given sums or amounts to be paid each officer as salary ;

And have directed their chairman to report back to the House, without amendment, the following named portions: Sec. 14, Article II.; Sec. 15, Article IV.; Secs. 2, 3, 4, 5, 6, 7, and 8, Article VII.; Secs. 2, 4, 5, and 6, Article VIII.; Secs. 1, 2, 4, 7, 8, 9, 10, 11, 12, 14, 15, and 17, Article X., with the recommendation that they be placed on the order of third reading.

And have directed their chairman to report back to the House

Section 2, Article IV.;

As not having been satisfactorily investigated, they therefore ask leave to sit again for the examination of the same.

Report accepted and committee discharged.

The question being on concurring in the several amendments made by the committee, the vote was taken separately.

The amendments made to Sec. 3, Art. IV.; Sec. 1, Art. VII.; Sec. 1, Art. VIII.; Secs. 5, 13, and 16, Art. X., were concurred in, and the several sections were placed on the order of third reading.

The action of the committee in striking out Sec. 3, Art. VIII., was concurred in.

The question being on concurring in the amendment made by the committee to Sec. 6, Art. X., by inserting after the word "treasurer" the words "prossecuting attorney,

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the amendment was not concurred in by yeas and nays, as follows :

#### YEAS.

Mr. Armstrong,	Mr. Dinturff,	Mr. Hewitt,	Mr. Robertson,
Bailey,	Drake,	Howard,	Speed,
Blackman,	Drew,	Lamb,	Van Aken,
Briggs,	Fancher,	E. R. Miller,	A. Walker,
Brown,	Ferguson,	R. C. Miller,	J. Walker,
Brunson,	Garvelink,	Mitchell,	Walton,
Burns,	Goodrich,	Morse,	Watkins,
Chamberlain,	Haire,	O'Dell,	Withington,
Curtis,	Harden,	Rich,	85

#### NAYS.

Mr. Ackley,	Mr. Green,	Mr. Pierce,	Mr. Striker,
Bottomley,	Greusel,	Priest,	Taylor,

Mr. Cady,	Mr. Haywood,	Mr. Remer,	Mr. Thompson,
Caplis,	Hertzler,	Ripley,	Van Scoy,
Carter,	Hosner,	Robinson,	F. Walker,
Cobb,	Hoyt,	Rose,	Warren,
Collins,	Kellogg,	Sanderson,	Welch,
Colwell,	Lewis,	Scott,	Welker,
Edwards,	Luce,	Sessions,	Wheeler,
Fey,	Markey,	Shaw,	Wixson,
Garfield,	Parker,	Simpson,	Zimmerman,
Gordon,	Parsons,	Smith,	Speaker,
Grant,			

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The section was placed on the order of third reading.

The recommendation of the committee relative to Sec. 1, Art. I., and all of Art. IX., was concurred in, and they were referred to the committee on State affairs.

The recommendation of the committee relative to Sec. 4, Art. IV., was concurred in, and it was referred to the committee on municipal corporations.

The recommendation of the committee relative to Sec. 3, Art. X. was concurred in, and it was referred to the committee on ways and means, with instructions to report a substitute, fixing stated sums for the various salaries.

Sec. 14, Art. II; Sec. 15, Art. IV.; Secs. 2, 3, 4, 5, 6, 7, and 8, Art. VII.; Secs. 2, 4, 5, and 6, Art. VIII.; Secs. 1, 2, 4, 7, 8, 9, 10, 11, 12, 14, 15, and 17, Art. X., to which no amendments were made, were placed on the order of third reading.

Mr. Green moved that the committee of the whole be discharged from the further consideration of Art. XI., entitled "Corporations other than municipal," and that said article be referred to the committee on railroads, with instructions to report a substitute therefor;

Which motion prevailed.

#### REPORTS OF SPECIAL COMMITTEES.

The special committee appointed to draft suitable resolutions in memory of the Hon. Benjamin Walker, deceased, reported as follows:

WHEREAS, It has pleased an all-wise Providence to remove, by death, on the 19th of June last, the Hon. Benjamin Walker, of the county of Shiawassee, a member of this House, therefore,

*Resolved*, That in his death the State loses an honest and valuable citizen, his district a faithful representative, and this House a pure and honored member.

*Resolved*, That "we will weep with those who weep" by extending our heartfelt sympathies to the lone widow in her affliction and the fatherless children in this their irreparable loss.

*Resolved*, That these resolutions be entered upon the Journal of the House, and that a page be set apart for a memorial page, and that twenty extra copies thereof be furnished to his family.

*Resolved*, That as a further mark of our respect and esteem, this House do now adjourn.

LORISON J. TAYLOR.  
FAYETTE PARSONS.  
S. H. BLACKMAN.

Report accepted.

Pending the adoption of the report,

Mr. Taylor addressed the House as follows:

Arising as I do by the chair so lately vacated by death, I can but feel a keen sense of the solemnity of this occasion, and in paying my tribute of respect to my lamented friend, I would say what every one would say who knew him, that Benjamin Walker was one of nature's true noblemen, an honest man, the noblest work of God.

I had but a slight acquaintance with Mr. Walker personally, but I knew him well by reputation. He was well known throughout the country, and I learn that wherever he *was* known he was held in honor and esteem. He was no politician, the office always seeking him and not he the office.

He was emphatically a man of the people for the people. He was born and reared in Vermont, coming to this State in 1850. He settled in what was then an almost unbroken wilderness; but with the energy and perseverance that is borne of rocks of New England, he created with his own hands a home of thrift, comfort, and refinement. His character was pure and spotless. He was a man of sound judgment, of great decision of character, of firm adherence to principle; with all of these qualities which go to make up the true man, he was eminently a man in whom the people could repose trust and confidence. Having attained nearly the age of three score years, he was stricken down in the midst of his usefulness. And now as we listen in vain for the voice once heard and respected in this House, as we look at the vacant chair, vacated by him forever, vacated for a seat at God's right hand, we are again reminded that we too are mortal; again admonished, "Be ye also ready."

It is fitting that we should, in the words of the resolution, "weep, weep with those who weep" by extending our heart's warmest sympathies to those who are deprived of the kind protection and comfort of a father and a husband, and when we adjourn for the day let us go away from here thinking of the manliness of character and the virtues of our deceased brother, and try in the future to imitate his fidelity to principle, that when our work, like his, is done, it may be well done, and that we may receive the welcome summons from the lips of Him who spake as never man spake, "Come up higher! higher!"

The committee appointed to draft resolutions expressive of the sense of this House in regard to the memory of Hon. Levi Walker, deceased, reported the following:

It having pleased the Supreme Ruler of the Universe, in his inscrutable wisdom, to take from our number since our separation at the close of the last session, the late Hon. Levi Walker, Representative from the Second District of Genesee; therefore,

*Resolved*, That by his death the State has lost a faithful and upright servant; this House a valued and honored member; one who, by his unremitting labors, and conscientious devotion to the duties of his position, had well earned the title of Christian Statesman, and we, as individual members, an associate whose example is worthy of imitation.

*Resolved*, That the foregoing preamble, and these resolutions be published in the journal, and that a certified copy of said preamble and resolutions be transmitted to the family of deceased, by the Clerk of this House.

*Resolved*, That in token of respect to the memory of our departed associate, the House do now adjourn.

LE ROY PARKER.  
E. O. ROSE.  
J. BURNS.

Report accepted.

Pending the adoption of which,

Mr. Parker addressed the House, as follows :

MR. SPEAKER :—While offering the resolutions of respect to the memory of the late Levi Walker, a member of this House, I would prefer that some of those who were associated with him during the last session of the Legislature, and who knew him as a legislator, should speak those words of eulogy which he so well deserved. But I feel that I cannot allow this opportunity to pass without speaking some few words in memory of him whom I had known so well in his private life at his own home. I have known him for some years, my more intimate acquaintance beginning a few years ago, when he acted on the committee appointed to examine me for admission to the bar ; since which time there had existed, up to the time of his death, a warm regard upon my part, for one whom I knew to possess so many of the noblest qualities of manhood. In the city of Flint, where we resided, he was held in the highest honor and esteem.

For many years he had held the highest positions of honor and trust. He had been for many years a member of the common council of the city ; a member of the school board, a justice of the peace, and had always held an influential position among the trustees of the Presbyterian Church.

Of the early life of Mr. Walker, I know but little. He was born at Granville, Washington county, New York, on the 20th of December, 1813. He received a good academical education. In 1835 he was admitted to the bar at Utica, New York, having studied law with Judge Wm. J. Bacon of the New York Court of Appeals.

In 1847 he came to Michigan, and became a resident of Flint. He has ever been prominently identified with the material interest of that city, and his loss is one which will long be mourned by his fellow citizens.

His keen, scrutinizing mind, and his most excellent judgment made him invaluable as a counsellor, and it is here to-day, in this House, that his calm, accurate, judicial intellect is needed in dealing with the weighty legislative and constitutional questions with which we have to grapple, and in his death the House has met a loss which is not easily remedied.

The two reports and resolutions were then unanimously adopted, and the Speaker declared that in memory of the Hon. Benjamin Walker and the Hon. Levi Walker, the House do stand adjourned until to-morrow morning at 9 o'clock.

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*Lansing, Friday, March 6, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker,

Prayer by Rev. Mr. Davis.

Roll called : quorum present.

Absent without leave : Messrs. Bucl, Eggleston, Climie, Gilmore, Harris, Hoar, and West.

Mr. Parsons asked and obtained leave of absence for Mr. Climie for the forenoon.

Mr. Welker asked and obtained leave of absence for Mr. Harris, indefinitely, on account of sickness.

Mr. Welker asked and obtained leave of absence for Mr. West, indefinitely, on account of sickness.

Mr. Scott asked leave of absence for Mr. Caplis for two hours.

Leave was not granted.

Mr. Grant presented the credentials of Hon. Andrew J. Dovell, member elect from Manistee county, etc., in the place of Hon. Merrit N. Chafey, resigned.

Mr. Dovell came forward, took and subscribed the constitutional oath of office, and took his seat.

#### PRESENTATION OF PETITIONS.

By Mr. Bartholomew: Petition of E. F. Stafford, M. S. House, Mrs. L. S. Jenison, and 27 others in favor of female suffrage.

Referred to the committee on elections.

By Mr. Cady: Memorial of board of supervisors of Macomb county, relative to an elective judiciary.

The memorial is as follows:

STATE OF MICHIGAN,  
MACOMB COUNTY CLERK'S OFFICE,  
*Mt. Clemens, February 20th, 1874.*

The following preamble and resolutions offered by supervisor Lawson, at a special meeting of the board of supervisors of Macomb county, February 20th, A. D. 1874, and, on motion of supervisor Murphy, unanimously adopted.

WHEREAS, By the provisions of the amendments to the Constitution of this State, proposed by the Commission authorized by the Legislature at its last session, for that purpose, it is sought to change the method of choosing the Judges of the Supreme Court, and of the several Circuit Courts, and other officers, from the present system of election by the people to that of making them appointive by the Governor, therefore be it

*Resolved*, By the board of supervisors of Macomb county that, in their opinion, such change is unnecessary and inadvisable, taking from the people that high prerogative which is ever desired and cherished by them of selecting whomsoever they will to exercise authority over them, and which has ever been used with judgment and wisdom, as is evinced by the character and ability which have always distinguished the men whom they have selected for these important offices, since the inauguration of the present system; and be it further

*Resolved*, That the clerk of this board be instructed to transmit a copy of these resolutions to the Legislature soon to be convened in extra session for the purpose of acting upon the proposed amendments to the Constitution.

DANIEL FLEGIER, *Chairman.*

C. S. GROESBECK, *Clerk.*

The memorial was referred to the committee on judiciary.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
*Lansing, March 4, 1874.*

*To the Speaker of the House:*

SIR,—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House of Representatives concurring), That the State Printer be and he is hereby instructed to transmit to the publisher of each newspaper in this State, to each of the judges of the Supreme, Circuit, and Probate Courts, State Officers, the members of the Constitutional Commission, and to the clerk of each of the several counties in this State, one copy each of the daily journal of the Senate and House of Representatives, during the present extra session of the Legislature: *Provided*, There shall be no extra charge for composition;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAS. H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Greusel,  
The adoption of the resolution was concurred in.

#### MOTIONS AND RESOLUTIONS.

Mr. Rose offered the following:

*Resolved*, That the committee on ways and means be instructed to ascertain and report to this House, the amount of mileage due to each of its officers and members for travel in attending the present extra session of the Legislature;

Which was adopted.

Mr. Howard moved the discharge of the committee on railroads from the further consideration of Art. XI., of the proposed constitution;

Which motion did not prevail.

On motion of Mr. Sessions,

The House resolved itself as into a committee of the whole, for the consideration of the proposed Constitution,

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

Article IV. being under consideration,

On motion of Mr. Hoyt,

Sec. 2 was ordered reported back, with the request that the committee have leave to sit again for its consideration.

Article XII. being under consideration,

Secs. 1, 2, and 3 were passed.

Mr. Ripley moved to amend Sec. 4 by striking out all after the word "months," in line 3;

Which motion did not prevail.

The section was then passed.

Sections 5 and 6 were passed.

On motion of Mr. Ripley,

Sec. 7 was amended by inserting the word "nonfeasance" before the word "therein" in line 7.

The section was then passed.

Sections 8 and 9 were passed.

Article XIII. being under consideration,

Section 1 was passed.

On motion of Mr. Ripley,

Sec. 2 was amended by striking out in the next to the last line the words "if accepted."

Mr. Thomas moved that the section be reported back with the recommendation that it be referred to the Committee on Education with instructions to draft a new section providing for the appointment of Regents by the Governor.

Mr. Noyes moved to amend the motion by instructing the committee to provide for the election of Regents by the Legislature,

Which was not agreed to.

The motion to report the section back for the purpose of reference did not then prevail.

The section was then passed.

Mr. Parker moved to amend Sec. 3 by adding at the end the words "but the Legislature may provide for a Normal Department in the high schools of the State."

Mr. Warren moved to amend the amendment by adding thereto the words "or colleges;"

Which was not agreed to.

The motion to amend did not prevail.

The section was then passed.

On motion of Mr. Ripley,

Sec. 4, was stricken out.

On motion of Mr. Speed,

Sec. 5 was amended by striking out at the end of line 2, the word "of," and inserting in lieu thereof the word "by."

The section was then passed.

Mr. F. Walker moved to amend Sec. 6, by striking out in line 3, the word "three," and inserting in lieu thereof the word "six;"

Which motion did not prevail.

Mr. Fey moved to amend the section by adding at the end the words, "but other languages may be taught likewise, if the school board should so direct;"

Which motion did not prevail.

Mr. Greusel moved to amend the section by adding thereto the words, "but other languages may be taught in high schools;"

Which motion did not prevail.

The section was then passed.

Secs. 7, 8, and 9 were passed.

On motion of Mr. Lewis,

Sec. 10 was amended by adding thereto the words "or schools."

Mr. Watkins moved to amend the section by striking out in line 1 the word "shall" and inserting in lieu thereof the word "may;"

Pending which,

Mr. Perry moved that Sec. 10 be stricken out;

Pending which,

Mr. Rose moved that the section be reported back, with the recommendation that it be referred to the committee on education, with instructions to report a substitute, providing for the appropriation of moneys arising from fines, penalties, forfeitures, and recognizances, to be appropriated by the township board to the school fund, for the support of the schools or township library, as the township board may direct.

Mr. Withington moved to amend the motion by striking out the word "instructions;"

Which was not agreed to.



The motion to recommend a reference with instructions then prevailed.

Sec. 11 was passed.

Art. XIV. being under consideration,

Mr. Green moved to amend Sec. 1 by striking out in line 1 the word "shall" and inserting in lieu thereof the word "may;"

Which motion did not prevail.

Mr. Speed moved to amend the section by striking out, in line 4, the words "and upon any property or business;"

Pending which,

On motion of Mr. Simpson,

The committee rose, reported progress, and asked leave to sit again.

Report accepted.

Leave to sit again was granted.

On motion of Mr. Van Aken,

The House took a recess until 2 o'clock this afternoon.

#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The Speaker announced the following appointments, to fill vacancies on the various committees:

*Mines and Minerals*—Mr. Colwell.

*Towns and Counties*—Mr. Colwell.

*Roads and Bridges*—Messrs. Parker and Taylor.

*State Affairs*—Mr. Parker.

*Harbors*—Mr. Dovel.

*Federal Relations*—Mr. Brown.

*Munic. Corp.*—Mr. Parker.

*Ag. College*—Mr. Dovel.

*Supplies and Expenditures*—Mr. Hardin.

*Asylum for Insane*—Mr. Brown.

*Insurance*—Mr. Hardin.

*Public Health*—Mr. Taylor.

On motion of Mr. Edwards,

The House resolved itself as into committee of the whole, for the consideration of the proposed Constitution.

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

The question pending being a motion to amend Sec. 1, Article XIV., by striking out the words "and upon any property or business,"

The motion did not prevail.

Mr. Speed moved to further amend the section by adding at the end thereof the following:

"No law imposing a specific tax upon any corporation shall prohibit the assessment and levying of a tax by any city or village, upon the lands and

buildings owned or occupied by such corporation, and lying within the corporate limits of such city or village ;

Which motion did not prevail.

The section was then passed.

Mr. Edwards moved that Sec. 2, Article XIII., be again taken up for consideration ;

Which motion did not prevail.

Article XIV. being still under consideration,

Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10 were passed.

On motion of Mr. Garfield,

Section 11 was amended by inserting in line 3, after the words "Ste. Marie," the words "and Portage Lake and Lake Superior Ship Canal."

The section was then passed.

Mr. Green moved to amend Sec. 12 by substituting the following therefor :

"The rule of taxation shall be uniform, and taxes shall be levied upon such property as the Legislature shall prescribe ;"

Which motion did not prevail.

The section was then passed.

Sec. 13 was passed.

On motion of Mr. Shaw,

Sec. 14 was amended by striking out, in line 3, the word "fifty-one" and inserting in lieu thereof the word "seventy-six."

The section was then passed.

Sec. 15 was passed.

Art. XV. being under consideration,

On motion of Mr. Ripley,

Sec. 1 was amended by striking out, in line 1, the word "resident" and inserting the word "inhabitant" in lieu thereof ;

Also, by inserting after the word "State," in line 2, the words "having a family."

Mr. E. R. Miller moved to amend Sec. 2 by striking out the words "two thousand" and inserting in lieu thereof the words "fifteen hundred."

Mr. Taylor moved to amend the amendment by inserting the words "one thousand" in lieu of fifteen hundred."

Which was not agreed to.

The motion to amend then prevailed.

The section was then passed.

Mr. Lockwood moved to amend Sec. 3, by inserting after the word "his," in line 3, the words, "or her ;"

Which motion did not prevail.

Mr. Ripley moved to amend the section by adding at the end the words, "or either of them ;"

Which motion did not prevail.

The section was then passed.

Mr. Hosner moved to amend Sec. 4 by striking out in line 9 the words, "of any married woman ;"

Which motion did not prevail.

The section was then passed.

Art. XVI. being under consideration,

Mr. Scott moved to amend Sec. 1, by striking out of line 2 the word "male ;"

Which motion prevailed.

Secs. 2 and 3 were passed.

Art. XVII. being under consideration,

Secs. 1 and 2 were passed.

Mr. Lewis moved to strike out Sec. 3.

Mr. Green moved to amend the section by inserting the word "general" before the word "fund," in line 5.

Mr. Bartholomew moved that the section be reported back, with the recommendation that it be referred to the committee on ways and means;

Which motion did not prevail.

Mr. Speed moved as a substitute for the motion to amend that the following be inserted after the word "paid" in line 5, "to the treasury of the State or of the municipality to which such money may belong."

Which motion did not prevail.

On motion of Mr. Bartholomew,

The section was amended by adding the following thereto:

"But all moneys received by the State Treasurer for interest shall be credited to the general fund."

The motion to strike out the section was withdrawn.

The section was then passed.

Mr. Ackley moved to strike out Sec. 4.

Mr. Ripley moved to amend the section by inserting in line 3, after the word "improvement" the words "the navigation;"

Which motion did not prevail.

Mr. Lockwood moved to amend the section by striking out the word "roads" in line 2,

Which motion did not prevail.

The motion to strike out did not then prevail.

The section was then passed.

Sections 5, 6, 7, and 8 were passed.

On motion of Mr. Shaw,

Sec. 9 was stricken out.

Mr. Thomas move that Sec. 10 be stricken out;

Which motion did not prevail.

Mr. Lockwood moved to reconsider the vote by which the committee refused to strike out the section;

Which motion did not prevail.

The section was then passed.

Sec. 11 was passed.

Art. XVIII. being under consideration, Sec. 1 was passed.

Mr. Blackman moved to amend Sec. 2, by striking out all after the word "State," in line 4, to and including the word "Senate," in line 5; also by striking out the words "or commission," in line 9;

Which motion did not prevail.

The section was then passed.

Mr. Caplis moved to reconsider the vote by which the committee refused to amend Sec. 1, Art. XIV., by adding at the end thereof the following: "No law imposing a specific tax upon any corporation shall prohibit the assessment and levying of a tax by any city or village upon the lands and buildings owned or occupied by such corporation, and lying within the corporate limits of such city or village;"

Which motion did not prevail.

The Schedule was considered and passed.

On motion of Mr. Simpson,

The committee rose and reported its action back to the House, as follows:

REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the following named portions of the proposed new Constitution, viz.:

Sec. 2, Art. IV.; all of Art. XII.; all of Art. XIII.; all of Art. XIV.; all of Art. XV.; all of Art. XVI.; all of Art. XVII.; all of Art. XVIII.; also all of the Schedule attached to said Constitution.

And have instructed their Chairman to report back to the House the following amendments, viz.:

1. Amend Sec. 7, Art. XII., by inserting after the word "malfeasance," in the 7th line, the words "or nonfeasance;"

2. Amend Sec. 2, Art. XII., by striking out of the 18th line the words "if accepted;"

3. Amend Article 13 by striking out all of Sec. 4;

4. Amend Sec. 5, Art. XIII., by striking out of the second line the word "of," and inserting in lieu thereof the word "by;"

5. Amend Sec. 11, Art. XIV., by inserting in third line, after the word "St. Marie," the words "and Portage Lake Ship Canal;"

6. Amend Sec. 14, Art. XIV., by striking out of line three, the words "fifty-one," and insert in lieu thereof the words "seventy-six;"

7. Amend Sec. 1, Art. XIV., by striking out of first line the word "resident," and inserting in lieu thereof the word "inhabitant," and after the word "State" in second line insert the following words: "having a family;"

8. Amend Sec. 2, Art. XV., by striking out the words "two thousand" in the ninth line, and inserting in lieu thereof the words "fifteen hundred;"

9. Amend Sec. 1, Art. XVI., by striking out of line two the word "male;"

10. Amend Art. XVII. by striking out all of Sec. 9.

11. Amend Sec. 3, Art. XVII., by adding to the end of the section the words "But all moneys received by the State Treasurer for interest shall be credited to the general fund,"

And have instructed their chairman to report back to the House Sec. 10, Art. XIII., with the recommendation that the same be referred to the committee on education, with the instruction to report therefor a substitute, which shall make it optional with township boards whether the money arising from fines, etc., be applied to libraries or primary schools.

And have directed their chairman to report back to the House the following named portions of said proposed new Constitution, viz.:

Secs. 1, 2, 3, 4, 5, 6, 8 and 9 of Art. XII.; Secs. 1, 3, 6, 7, 8, 9, and 11 of Art. XIII.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, and 15 of Art. XIV.; Secs. 3 and 4 of Art. XV.; Secs. 2 and 3 of Art. XVI.; Secs. 1, 2, 4, 5, 6, 7, 8, 10 and 11 of Art. XVII.; Secs. 1 and 2 of Art. XVIII.; Secs. 1, 2, 3, 4, 5, 6, and 7 of the Schedule of said Constitution,

Without amendment, and recommend that they be placed on the order of third reading;

And have instructed their Chairman to report back to the House, Sec. 2, Art. IV.,

As not having satisfactorily investigated the same, and ask leave to sit again for the further consideration thereof.

Report accepted and committee discharged.

The question being on concurring in the report of the committee,

The amendments made by the committee to Sec. 7, Art. XII., Secs. 2 and 5, Art. XIII., Sec. 14, Art. XIV., Secs. 1 and 2 Art. XV., and Sec. 3, Art. XVII., were concurred in, and they were placed on the order of third reading.

Mr. Grant moved that Sec. 11, Art. XIV., to which certain amendments were made, be referred to the committee on internal improvements.

Which motion did not prevail.

The amendments made to the section were then concurred in, and it was placed on the order of third reading.

The question being on concurring in the amendment made to Sec. 1, Article XVI., by the committee, in striking out the word "male," in line 2,

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the amendment was not concurred in, by yeas and nays, as follows:

#### YEAS.

Mr. Cook,	Mr. Harden,	Mr. Pierce,	Mr. Van Scoy,
Dovell,	Hosner,	Rose,	J. Walker,
F-y,	Lewis,	Smith,	Wixson,
Grant,	Markey,	Striker,	Zimmerman,
Grensel,	Noyes,	Van Aken,	19

#### NAYS.

Mr. Ackley,	Mr. Colwell,	Mr. Lamb,	Mr. Sanderson,
Armstrong,	Curtis,	Lockwood,	Scott,
Bailey,	Drew,	Luce,	Sessions,
Bartholomew,	Edwards,	R. C. Miller,	Shaw,
Blackman,	Fancher,	Mitchell,	Simpson,
Bottomley,	Ferguson,	Morse,	Taylor,
Briggs,	Garvelink,	O'Dell,	Thompson,
Brown,	Goodrich,	Parker,	A. Walker,
Brunson,	Green,	Parsons,	F. Walker,
Burns,	Haire,	Perry,	Walton,
Cady,	Haywood,	Priest,	Warren,
Caplis,	Hewitt,	Remer,	Welch,
Carter,	Howard,	Rich,	Welker,
Climie,	Hoyt,	Ripley,	Wheeler,
Cobb,	Kellogg,	Robinson,	Withington,
Collins,	Knapp,	Robertson,	Speaker, 64

The section was then placed on the order of third reading.

On motion of Mr. Rose,

The House concurred in the recommendation of the committee relative to Sec. 10, Art. XIII., and it was referred to the committee on education with instructions to report a substitute therefor, which shall make it optional with township boards whether the money arising from fines, etc., shall be applied to libraries or primary schools.

The several sections to which no amendments were made were placed on the order of third reading.

The request that the committee have leave to sit again in consideration of Sec. 2, Art. IV., was granted.

On motion of Mr. Scott,

The House adjourned.

*Lansing, Saturday, March 7, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Wood.

Roll called: quorum present.

Absent without leave, Messrs. Burns, Edwards, Eggleston, Gilmore, Hoar, and Welch.

Mr. Parsons asked and obtained leave of absence for Mr. Welch for the day, on account of sickness.

Mr. Speed asked and obtained leave of absence for Mr. Burns for the day.

Mr. Knapp asked and obtained leave of absence for Mr. Zimmerman until Tuesday noon.

Mr. Grant asked and obtained leave of absence for himself for the day, on account of sickness.

Mr. Cady asked and obtained leave of absence for himself until Monday noon.

Mr. Kipp asked and obtained leave of absence for himself indefinitely, on account of sickness.

#### REPORTS OF STANDING COMMITTEES.

By the committee on education:

The committee on education, to whom was referred

Art. XIII., Sec. 10, of the proposed Constitution, with instructions,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying substitute therefor, recommending that the substitute be concurred in, and that the substitute do pass, and ask to be discharged from the further consideration of the subject.

The following is the substitute:

SEC. 10. All moneys belonging to the public, derived from fines, penalties, forfeitures, or recognizances, imposed or taken in the several counties, cities or townships, for any breach of the penal laws of this State, shall be apportioned in the same manner as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of a library in each township or city, or for the support of primary schools, as the township board of any township, or Board of Education, or School Board of any city, may determine.

A. K. WARREN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Warren,

The House concurred in the adoption of the substitute reported by the committee.

The section was then referred to the committee of the whole, and placed on the general order.

#### MESSAGE FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER, }  
*Lansing, March 6, 1874.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following concurrent resolution:

*Resolved* (the Senate concurring), That the judiciary committees of the two Houses be and hereby are instructed to jointly consider and report upon the most advisable method of submitting to the people the proposed amendments to the Constitution ;

In the adoption of which the Senate has concurred.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The resolution was referred to the committee on engrossment and enrollment for enrollment.

#### MOTIONS AND RESOLUTIONS.

Mr. Rich offered the following :

*Resolved*, That the Speaker be required to appoint three additional members to the committee on the judiciary.

Which was adopted.

Mr. Speed moved that when the House adjourn at noon to-day, it be until 7 o'clock P. M. on Monday next.

Mr. Brunson moved to amend the motion by making the hour 2 o'clock P. M. of Monday.

Which motion did not prevail.

The question being on the original motion,

Mr. Rich demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

#### YEAS.

Mr. Ackley,	Mr. Dintruff,	Mr. Markey,	Mr. Rose,
Bartholomew,	Drew,	R. O. Miller,	Smith,
Briggs,	Ferguson,	Mitchell,	Speed,
Caplis,	Grant,	Noyes,	Taylor,
Chamberlain,	Greusel,	Parker,	F. Walker,
Cobb,	Haire,	Parsons,	Warren,
Collins,	Hertzler,	Perry,	Watkins,
Cook,	Lewis,	Pierce,	

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#### NAYS.

Mr. Armstrong,	Mr. Fey,	Mr. Lockwood,	Mr. Shaw,
Bailey,	Garfield,	Luce,	Simpson,
Blackman,	Garvelink,	E. R. Miller,	Striker,
Bottomley,	Goodrich,	Morse,	Thomas,
Brown,	Green,	O'Dell,	Thompson,
Brunsun,	Harden,	Priest,	Van Aken,
Buell,	Haywood,	Remer,	Van Scoy,
Cady,	Hewitt,	Rich,	A. Walker,
Carter,	Hosner,	Ripley,	J. Walker,
Climie,	Howard,	Robinson,	Walton,
Colwell,	Hoyt,	Robertson,	Welker,
Curtis,	Kellogg,	Sanderson,	Wheeler,
Dovell,	Kipp,	Scott,	Wixson,
Drake,	Knappp,	Sessions,	Speaker,
Fancher,	Lamb,		

On motion of Mr. Sessions,

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The House resolved itself as into a committee of the whole, for the consideration of the proposed Constitution,

The Speaker in the chair

PROCEEDINGS IN COMMITTEE.

Article IV. being under consideration,

Mr. Blackman moved to amend Sec. 2, by striking out all after the words "thirty-three," in line 3, to and including the word "district," in line 6.

Mr. Green moved to amend the section by striking out the word "thirty-second" in line 5, and the words "senatorial district" in line 6, and inserting in lieu thereof the words "Upper Peninsula,"

Which was withdrawn.

On motion of Mr. Buel,

The section was amended by striking out all after the word "State" in line 5, up to and including the word "district" in line 6, and inserting in lieu thereof the words, "known as the Upper Peninsula, to include the territory now embraced in the counties of Ontonagon, Houghton, Keweenaw, Marquette, Menominee, Delta, Schoolcraft, Chippewa, and Mackinac."

The motion to strike out did not prevail.

Mr. Hosner moved to amend the section by striking out in line 6, the word "four" and inserting in lieu thereof the word "two;"

Which motion did not prevail.

On motion of Mr. Grant,

The section was amended by striking out the word "five" and inserting the word "four" in lieu thereof.

The section was then passed.

The substitute for Sec. 10, Art. XIII., being under consideration,

The same was ordered reported back, with the recommendation that it be placed on the order of third reading.

The proposition for the taxation of the liquor traffic being under consideration.

Mr. Hoyt moved that the same be stricken out.

Mr. Thomas moved to amend the proposition by striking out in line 1 the word "two" and inserting in lieu the words "not less than three."

Mr. Brunson moved to amend the amendment by striking out the word "three" and inserting the word "five" in lieu thereof;

Which was not agreed to.

The motion to amend then prevailed.

Mr. Drake moved to amend the proposition by striking out the words "restriction and taxation" wherever they occur, and inserting in lieu thereof the words "to encourage;"

Which motion prevailed.

Mr. J. Walker moved to amend the proposition by inserting, after the word "drunkards," in line 13, the words, "or any other person;"

Which motion did not prevail.

Mr. Bailey moved to amend the proposition by striking out, in lines 7 and 8, the words "township, city, or village," and inserting in lieu thereof the word "county;"

Which motion prevailed.

Mr. Warren moved to add to the proposition the following:

"The common council of any city or village, or the township board of any township, may also further regulate and restrict the sale and other disposition



of intoxicating liquors, and may increase the annual tax upon said traffic in such city, village, or township;

Which motion prevailed.

Mr. Dovell offered the following substitute for the proposition :

#### TAXATION OR PROHIBITION OF THE LIQUOR TRAFFIC.

At the election when this amended Constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following proposition, to be added, in case of its adoption, to Section 47 of Art. IV. in the present Constitution of this State, as it now stands, and to Section 36 of Article IV. in said amended Constitution, if the latter is adopted, viz. :

The people of each township or village, and of each ward in the cities of the State shall, at the next annual township, village or city election after the adoption of this provision of the Constitution, vote upon the question of prohibiting or taxing the liquor traffic within such township, ward or village. A separate ballot may be given to every person having a right to vote, to be deposited in a separate box. Upon the ballots given for prohibition shall be the words, written, or printed, or partly written and partly printed, "For prohibition of the liquor traffic," and upon the ballots for taxation of the liquor traffic shall be written, or printed, or partly written and partly printed, the words, "For taxation of the liquor traffic."

And if at said election a majority of the votes given upon said proposition shall contain the words, "For prohibition of the liquor traffic," then and in that case the sale of intoxicating liquors in such township, village or ward shall be prohibited by such laws to prevent the manufacture and sale of intoxicating liquors as are now or may hereafter be enacted. And if a majority of the votes given upon said proposition in any township, ward or village, shall contain the words, "For taxation of the liquor traffic," there shall be imposed such annual tax upon the traffic in intoxicating liquors in such township, village or ward as shall be prescribed by legislative enactment, to be paid by every person or firm who shall carry on or be engaged in the business of selling or disposing of such liquors otherwise than for medicinal, chemical and mechanical purposes, for each place where such business is carried on by such person or firm, in such township, village or ward so voting for such taxation. Said tax shall be paid into the treasury of the proper township, city or village, and be applied by the proper authorities to the support of the poor therein, so far as may be necessary, and the residue appropriated as the legislature shall provide. The sale or other disposition of such liquors to minors, persons under guardianship, insane and idiotic persons, paupers, and common drunkards, is wholly prohibited. Every person who shall carry on or engage in the business or traffic taxed as aforesaid in this section, without having first paid the tax imposed, or otherwise violate any provision of this section, shall be guilty of a misdemeanor, and on conviction, be punished by fine or imprisonment, or both, as may be prescribed by law, and every sale until the tax is paid shall subject the party to such penalty; and all necessary laws shall be passed to enforce the provisions of this section. The legislature may further regulate and restrict the sale and other disposition of intoxicating liquors, and may increase the annual tax upon said traffic in any locality.

The said question may be submitted to the vote of the qualified voters of any township, village or ward, at any regular annual election held therein, at any time after two years, from the time of the first vote had thereon. And on the

written request of any ten voters of such township, village or ward, it shall be the duty of the common council of any village or city, and of the town board of any township, to provide for another submission of the question to the vote of the township, village, or ward from which such request is made, and to give the like notice as is required by law in other cases; *Provided*, A vote on such question shall not be taken in any one township, village, or ward oftener than once in two years.

On motion of Mr. Fey,

The word "ward" was stricken out wherever it occurs in the substitute.

The substitute was then not adopted.

Mr. Bottomley moved that the committee rise and report;

Which motion did not prevail.

The motion to strike out the entire proposition then prevailed.

On motion of Mr. Hoyt,

The committee then rose and reported its doings as follows:

The committee of the whole have had under consideration the following named portions of the proposed amended Constitution:

Sec. 2, Art. IV.; Sec. 10, Art. XIII.; and the supplementary section relative to the traffic in liquor,

And have directed their chairman to report back to the House the following amendments:

1. Amend Sec. 2, Art. IV., by striking out the words "now included within the limits of the thirty-second senatorial district" and inserting in lieu thereof the following words, "known as the Upper Peninsula, to include the territory now embraced in the counties of Ontonagon, Houghton, Keweenaw, Marquette, Menominee, Delta, Schoolcraft, Chippewa, and Mackinaw;"

2. Also amend said Sec. 2, Art. IV., by striking out the word "five" in second line and inserting in lieu thereof the word "four,"

Asking concurrence therein, and that they be placed on the order of third reading.

And have directed their chairman report back to the House the substitute adopted for Sec. 10, Art. XIII., without amendment and recommend that it be placed on the order of third reading.

And have directed their chairman to report back to the House the supplementary article as to the liquor traffic, with the recommendation that all of the same be stricken out.

Report accepted and committee discharged.

The several amendments made by the committee were concurred in, and the section was placed on the order of third reading.

Sec. 10, Art. XIII., was placed on the order of third reading.

Pending the vote on concurring in the action of the committee in striking out the proposition for restriction and taxation of liquor traffic,

Mr. Perry moved that the House take a recess until 2 o'clock this afternoon.

Mr. F. Walker moved that the House adjourn until Monday at 2 o'clock P. M.

Mr. Lewis moved to amend the motion by making the time 10 o'clock A. M. on Tuesday;

Which motion did not prevail.

The question being on adjournment,

Mr. Welker demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Bartholomew, Briggs,	Mr. Cobb, Ferguson, R. C. Miller,	Mr. Rose, Taylor,	Mr. F. Walker, Warren,	10
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## NAYS.

Mr. Armstrong, Baily, Blackman, Bottomley, Brown, Brunson, Buell, Carter, Chamberlain, Climie, Colwell, Curtis, Dinturf, Dovell, Drake, Drew, Fancher,	Mr. Fey, Garfield, Garvelink, Goodrich, Green, Greusel, Harden, Haywood, Hertzler, Hewitt, Hosner, Howard, Hoyt, Kellogg, Kipp, Knapp,	Mr. Lamb, Lewis, Lockwood, Luce, Markey, E. R. Miller, O'Dell, Parker, Parsons, Perry, Pierce, Priest, Rich, Ripley, Robinson, Robertson,	Mr. Sanderson, Scott, Sessions, Shaw, Simpson, Striker, Thomas, Thompson, Van Scoy, A. Walker, J. Walker, Walton, Welker, Wheeler, Wixson, Speaker,	65
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Mr. Rose asked and obtained leave of absence for himself until Monday evening.

The motion to take a recess then prevailed.

## AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The question pending being the concurrence in the action of the committee of the whole, in striking out the proposition relative to taxation and restriction of liquor traffic,

On motion of Mr. Buel,

The consideration of the question was made the special order for Tuesday next.

On motion of Mr. Bottomley,

Mr. Buel was excused for his unavoidable absence for the first four days of this session.

Mr. Shaw moved that when the House adjourn it be until 11 o'clock A. M., on Monday.

Mr. Ferguson moved to amend the motion by making the hour 2 o'clock P. M.;

Which was agreed to.

The question being on adjournment from close of session to-day until Monday,

Mr. J. Walker demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Colwell.	Mr. Knapp,	Mr. Pierce,
Bartholomew,	Dinturff,	Lewis,	Remer
Briggs,	Drew,	Lockwood,	Scott,
Brown,	Ferguson,	Mitchell,	Sessions,
Brunson,	Garvelink,	Morse,	Shaw,
Carter,	Haywood,	Parker,	Taylor,
Chamberlain,	Hosner,	Parsons,	A. Walker,
Cobb,	Kipp,	Perry,	Warren,

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## NAYS.

Mr. Armstrong,	Mr. Goodrich,	Mr. E. R. Miller,	Mr. Thomas,
Bailey,	Green,	R. C. Miller.	Thompson,
Blackman,	Greusel,	O'Dell,	Van Aken,
Bottomley,	Harden,	Priest,	Van Scoy,
Buell,	Hertzler,	Rich,	F. Walker,
Climie,	Hewitt,	Ripley,	J. Walker,
Curtis,	Howard,	Robinson,	Walton,
Dovell,	Hoyt,	Robertson,	Welker,
Drake,	Keillogg,	Sanderson,	Wheeler,
Fancher,	Lamb,	Simpson,	Wixson,
Fey,	Luce,	Striker,	Speaker,
Garfield,	Markey,		

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Mr. Parker asked and obtained leave of absence until Monday noon.

Mr. Simpson asked and obtained leave of absence for Mr. Collins for the day.

Mr. Sessions asked leave of absence for Mr. Gordon.

Leave was not granted.

Mr. Drew asked leave of absence for Mr. Withington.

Leave was not granted.

Mr. Brunson asked and obtained leave of absence until Monday noon.

Mr. Howard asked leave of absence for Mr. Caplis.

Leave was not granted.

Mr. Fey asked and obtained leave of absence for Mr. Cook, indefinitely, on account of sickness.

Mr. Welker moved that there be a call of the House;

Pending which

Mr. Hertzler moved that the House do now adjourn;

Which motion did not prevail.

The motion that there be a call of the House then prevailed.

## PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave:

Messrs. Caplis, Edwards, Eggleston, Gordon, Hoar, Smith, Speed, Watkins, and Withington.

Mr. Welker moved that the Sergeant-at-Arms be dispatched after the absentees;

Which motion did not prevail.

On motion of Mr. Howard,

All further proceedings under the call were dispensed with.

Mr. Howard moved that there be three members added to the committee on railroads;

Which motion prevailed.

The Speaker announced as such additional members, Messrs. Howard, Sanderson, and Lockwood.

The Speaker announced as the additional members of the committee on judiciary, Messrs. Fancher, Hoyt, and Dovel.

Mr. Sanderson moved that the House adjourn;

Which motion did not prevail.

Mr. Lewis offered the following:

*Resolved*, That each of the resident clergymen of this city be furnished with one copy of the daily journal;

Which was adopted.

Mr. Greusel moved that the House adjourn;

Which motion did not prevail.

Mr. Ferguson offered the following:

*Resolved* (the Senate concurring) That a committee of three on the part of the House, to confer with a like committee on the part of the Senate, be appointed to report the amount of salaries to be paid the officers of this Legislature for their services during the present session;

Which was adopted.

On motion of Mr. Perry,

The House adjourned until 2 o'clock P. M. on Monday next.

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*Lansing, Monday, March 9, 1874.*

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Representative Welker.

Roll called: quorum present.

Absent without leave, Messrs. Briggs, Caplis, Cobb, Collins, Dovel, Eggleston, Gilmore, Grant, Hoar, Pierce, Smith, Speed, A. Walker, Warren, Watkins, and Welch.

Mr. Striker asked and obtained leave of absence for Mr. Collins, indefinitely, on account of sickness.

Mr. E. R. Miller asked and obtained leave of absence for Mr. Cobb for the day.

Mr. Luce asked and obtained leave of absence for Mr. Briggs for the day.

Mr. Rich asked and obtained leave of absence for Mr. Warren for the day.

Mr. Noyes asked and obtained leave of absence for Mr. Grant for the day.

Mr. Greusel asked and obtained leave of absence for Mr. Pierce for the day.

Mr. Burns asked leave of absence for Mr. Caplis for the day.

Leave was not granted.

Mr. Burns asked leave of absence for Mr. Speed for the day.

Leave was not granted.

Mr. Scott asked and obtained leave of absence for Mr. A. Walker, indefinitely, on account of sickness.

Mr. Harris asked and obtained leave of absence for Mr. Hoar, indefinitely, on account of sickness.

Mr. Knapp asked and obtained leave of absence for Mr. Dovel for the day.

Mr. Howard moved to reconsider the vote by which the House refused to grant leave of absence to Messrs. Speed and Caplis.

On motion of Mr. Lockwood,  
The motion was laid on the table.

Mr. Thomas asked and obtained leave of absence for Mr. Withington for Saturday last.

Mr. Kipp asked and obtained leave of absence for himself for the first three days of the present session.

Mr. Perry asked and obtained leave of absence for himself for the first two days of the present session.

Mr. Parsons asked and obtained leave of absence for Mr. Welch, indefinitely, on account of sickness.

Mr. F. Walker asked and obtained leave of absence for Mr. Bottomly for the first two days of the present session.

Mr. Mitchell asked and obtained leave of absence for Mr. Lamb for the first day of the present session.

Mr. Simpson asked and obtained leave of absence for Mr. Hertzler for the first day of the present session.

#### PRESENTATION OF PETITIONS.

By Mr. Kemmer: Petition of officers of the village of Algonac, relative to amendments to their village charter.

Referred to the committee on municipal corporations.

By Mr. Bartholomew: Petition of H. C. Beemer, J. J. Everingham, Mrs. Ellen Beemer, Miss O. J. Carpenter, and 24 others of Lansing, in favor of female suffrage ;

Also, petition of Adam Foster, O. C. Spalding, Miss Sarah Foster, Miss Jane Foster, and 55 others of Lansing, in favor of female suffrage ;

Also, petition of C. B. Mallory, G. C. Burkhart, Mrs. M. Binkley, Mrs. C. B. Mallory, and 28 others of Lansing, in favor of female suffrage.

Referred to the committees on elections and State affairs jointly.

By Mr. Lamb: Petition of E. P. Newbro, S. Tooker, Miss Lena Smith, Miss Lottie Buck, and 12 others, of Lansing, in favor of female suffrage ;

Also, petition of S. D. Newbro, S. C. Smith, Mrs. S. D. Newbro, Mrs. R. Elliott, and 41 others, in favor of female suffrage ;

Referred to the committee on elections and State affairs jointly.

By Mr. L. J. Taylor: Petition of Horace E. Johns, C. L. Ingersoll, Miss Kate Ferguson, Miss Flora Runyon, and 9 others, in favor of female suffrage ;

Also, petition of Mr. E. Walker, Amos Orton, Mrs. A. B. West, and 50 others, of Meridian, in favor of female suffrage ;

Also, petition of Jason Fenton, Mrs. A. A. Alma, Mrs. A. Brown, and 19 others, of Lansing, in favor of female suffrage ;

Referred to the committees on elections and State affairs jointly.

By Mr. Bailey: Petition of 27 citizens of Venice, for power to apportion the tax derived from the dog law among the primary schools ;

Referred to the committee on education.

#### REPORTS OF STANDING COMMITTEES.

By the committee on judiciary :

The committee on judiciary, to whom was referred

Sec. 7, Art. II. of the proposed amended Constitution, relative to trial by jury,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying substitute, which substitute is as follows:

"The right of trial by jury shall remain, but shall be deemed waived in all civil cases, and criminal cases triable by justices of the peace, unless demanded by one of the parties in such manner as shall be prescribed by law. The legislature may authorize, in courts not of record, a trial by a jury of a less number than twelve; in all courts, in civil cases, a verdict by two-thirds of the jury; and, in criminal cases, by consent of parties, a discharge of not more than two jurors and a verdict by the remainder;"

Recommending that the substitute be concurred in, and ask to be discharged from the further consideration of the subject.

Your committee, by these changes proposed, aim, 1st, to avoid the expense of calling a jury in all criminal cases, tried before justices of the peace; 2nd, to prevent, by legislation, one or two men from controlling and preventing verdicts, and thus increasing not only the expense to the public, but also to litigants, retarding the courts of justice in which many times the delay is more injurious than a denial of justice; 3d, to authorize, in case of obstinacy of one or two jurymen, or in case of sickness either of a juror or his family, when the parties consent, to proceed with ten or eleven jurors out of twelve, or four or five, when composed of six, and to complete the trial which now cannot be done under the law and proposed Constitution.

HENRY A. SHAW, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Withington,

The substitute was laid on the table.

By the committee on State affairs:

The committee on State affairs, to whom was referred Sec. 1; Art I., on Boundaries,

Respectfully report that they have had the same under consideration, have become satisfied that the same is correct, and have directed me to report the same back to the House, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

S. H. BLACKMAN, *Chairman.*

Report accepted and committee discharged.

The Section was referred to the committee of the whole, and placed on the general order.

#### MOTIONS AND RESOLUTIONS.

Mr. Edwards offered the following:

*Resolved*, That the Auditor General be requested to furnish the House with information as to the amounts paid for professional legal services rendered the State during the year 1873, and up to the present time, except the salary of the Attorney General.

Which was adopted.

Mr. E. R. Miller offered the following:

*Resolved*, That the use of this hall be granted for a lecture on the subject of the taxation of liquors, by Rev. Thomas Stalker of Detroit, on Friday evening, the 13th inst.;

Which was adopted.

Mr. Sessions offered the following:

*Resolved*, That the use of this hall be granted to Giles B. Stebbins of Detroit;

for a lecture on the subject of "Industrial Education," Wednesday evening, March 11th;

Which was adopted.

Mr. Scott offered the following:

*Resolved*, That we indorse the movement inaugurated by the noble women of our country for the suppression of intemperance, and that we extend to them our sympathy, and we bid them God speed in their grand undertaking in the interest of humanity;

Which was adopted.

Mr. Noyes offered the following:

*Resolved*, That the daily sessions of this House shall begin at 10 o'clock A. M., and 2 o'clock P. M., until further ordered,

On motion of Mr. Fey,

The resolution was laid on the table.

#### GENERAL ORDER.

On motion of Mr. Ferguson,

The House went into committee of the whole on the general order;

The Speaker in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration

Sec. 1, Art. I, of the proposed Constitution,

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend its passage.

Report accepted and committee discharged.

The section was placed on the order of third reading.

Mr. F. Walker moved that the House take up the order of

#### THIRD READING OF BILLS,

Which motion did not prevail.

Mr. Ripley moved that when the House take up the third reading of propositions for amendments to the Constitution, the same may be passed informally by sections, by a majority vote.

On motion of Perry,

The motion was laid on the table.

On motion of Mr. Hosner,

The House adjourned.

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*Lansing, Tuesday, March 10, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Crosby.

Roll called: quorum present.

Absent without leave, Messrs. Chamberlain, Eggleston and Speed.

Mr. Walton asked and obtained leave of absence for Mr. Chamberlain until Thursday next.

Mr. Gordon asked and obtained leave of absence for Saturday last.



Mr. E. R. Miller asked and obtained leave of absence for the first day of the session.

Mr. Greusel asked and obtained leave of absence for Mr. Edwards for his absences last week.

#### PRESENTATION OF PETITIONS.

By Mr. A. Walker: Petition of B. B. Baker, E. O. Kelly, Miss E. A. Allaben, Miss M. E. Baker, and 26 others of Lansing, in favor of female suffrage;

Also: Petition of H. D. Bartholomew, C. H. Hodskin, Mrs. L. R. Wadsworth, Miss H. S. Norton, and 15 others of Lansing, in favor of female suffrage;

Also: Petition of J. S. Tooker, E. W. Dart, Miss R. J. Piatt, Miss Lydia Taylor, and 33 others of Lansing, in favor of female suffrage.

Referred to the committees on elections and State affairs jointly.

#### REPORTS OF STANDING COMMITTEES.

By the committee on ways and means:

The committee on ways and means, to whom was referred Sec. 3, Article X. of the proposed Constitution.

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House with the accompanying amendment, viz.: after the word "may," in line 1, insert the words "by a vote of two-thirds of the whole number;"

And recommend that the amendment be concurred in, and ask to be discharged from the further consideration of the subject.

C. B. GRANT, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Bottomly,

The House concurred in the amendment made to the section by the committee.

The section was referred to the committee of the whole, and placed on the general order.

By the committee on State affairs:

The committee on State affairs to whom was referred Article IX. of the proposed new Constitution, with instructions to report a substitute therefor, fixing the various salaries at definite amounts,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying substitute, and ask to be discharged from the further consideration of the subject.

The committee has been led to understand that in some of the State offices the practice has been for the chief officer to remain at his place of residence in the State, devoting his usual time and attention to his own private business, and only occasionally coming to the Capital and taking a cursory review of the matters belonging to his office, and leaving the labor and superintendence thereof to devolve upon his deputy.

If such is to be the continued practice, your committee are of the opinion that the salaries of such officers should not be increased above the amount provided in the present Constitution.

With a view to correct this practice the committee have included a provision, requiring certain State officers to reside, during their term of office, at the seat of government, and to *personally* superintend the duties of their offices, and to meet such requirements we have reported a corresponding increase of their salaries.

The following is the substitute:

## ARTICLE IX.

## SALARIES.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars; the Judges of the Supreme Court shall receive an annual salary of *three thousand five hundred* dollars; the Circuit Judges shall receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of two thousand five hundred dollars; the Auditor General shall receive an annual salary of two thousand five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand dollars; the Secretary of State shall receive an annual salary of two thousand dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand dollars; the Attorney General shall receive an annual salary of two thousand five hundred dollars; the Commissioner of Railroads shall receive an annual salary of two thousand five hundred dollars; the Commissioner of Insurance shall receive an annual salary of two thousand dollars; they shall receive no fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase or diminish the salaries herein provided. The State Treasurer, the Auditor General, the Superintendent of Public Instruction, the Secretary of State, the Commissioner of the Land Office, the Attorney General, and the Commissioners of Railroads and Insurance, shall each reside, during the term of his office, at the seat of Government, and shall personally superintend the duties of his office.

S. H. BLACKMAN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Kellogg,

The House concurred in the adoption of the substitute reported by the committee.

The Article was then referred to the committee of the whole, and placed on the general order.

By the committee on judiciary:

The committee on judiciary, to whom was referred

Article VI. of the proposed Constitution, relative to the judiciary,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House with the accompanying amendments, and recommend that they be concurred in, and ask to be discharged from the further consideration of the subject.

The changes which have been made in the amended article are only in reference to the restoration of the elective system of judiciary, as the committee were directed by the House; except an amendment to Sec. 5, relative to the decisions of Supreme Judges; and Sec. 9, relative to circuit court commissioners, which has been stricken out, and which the committee recommend to be provided for in Sec. 5, Art. X. The amended article is as follows:

## ARTICLE VI.

## JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in a supreme court, in circuit courts, probate courts, justices of the peace, and in such other courts, tribunals and officers as are or shall be established or authorized by law.

SEC. 2. The supreme court shall be composed of five judges, one chief justice and four associate justices, to be chosen by the electors of the State. Two

judges of said court, one for the period of eight years, and the other for the period of ten years, shall be elected as soon as practicable after the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, and their term of office shall date from January first, one thousand eight hundred and seventy-six; and one judge of said court shall thereafter be elected as the terms of the present and future judges shall expire, and their term of office shall be ten years.

SEC. 3. The supreme court shall have a general superintending control over all other courts and tribunals; and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, *certiorari*, *mandamus*, *procedendo*, prohibition, and other all appropriate writs and process. It shall also have original jurisdiction in cases of *mandamus*, *habeas corpus*, proceedings in the nature of *quo warranto*, and proceedings by *scire facias*, to vacate letters patent. Its appellate jurisdiction shall not extend to any civil case for the recovery of money or property in which the amount or value of the thing in controversy is less than one hundred dollars exclusive of costs, except upon the allowance of an appeal, writ of error or *certiorari* by the judge who tried such case, or by a judge of the supreme court. The concurrence of three judges of said court shall be necessary to a final decision.

SEC. 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The supreme court shall have power, by general rules, to establish, and from time to time modify, the methods of procedure and the practice therein, and to appoint its clerks and a reporter of its decisions; and said court shall also have power to establish a code or codes of civil procedure, pleading and practice, including the commencement of suits and proceedings, for all other courts of record, and from time to time to alter and amend such codes. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The concurring opinion of any three of said judges shall be a decision.

SEC. 6. The legislature shall divide the State into judicial circuits, and increase or diminish the number of the same from time to time; in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years and until his successor is elected and qualified. No alteration of any circuit shall have the effect to remove a judge from office. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this Constitution for judges of the circuit court.

SEC. 7. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

SEC. 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this constitution and not prohibited by law, and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and a supervisory control of the same. They shall also have power to issue writs of injunction, *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions. The appellate jurisdiction

of said courts shall not exceed any civil case in which the amount or value of the thing in controversy is less than twenty-five dollars, exclusive of costs, except upon allowance of an appeal or writ of *certiorari* by the judge of the court entitled to exercise such appellate jurisdiction.

(SEC. 9 is stricken out.)

SEC. 10. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, he shall be deemed to have vacated his office.

SEC. 11. When a vacancy occurs in the office of judge of the supreme or circuit court it shall be filled for the residue of the term by appointment of the governor, by and with the advice and consent of the senate; but if the senate is not in session when such vacancy occurs, the governor shall fill the same by appointment until the senate shall assemble, and for thirty days thereafter, when the vacancy shall be filled as hereinbefore provided. When a vacancy occurs in the office of judge of probate or judge of any court of record, other than the supreme or circuit court, it shall be filled by appointment of the governor, which appointment shall continue during the residue of the unexpired term, and until a successor is duly qualified. But no judge of the supreme court or circuit court shall exercise any other power of appointment to public office.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county, and of the supreme court when held within the same. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

SEC. 13. During their continuance in office, and for one year thereafter, the judges of the supreme and circuit courts shall be ineligible to any other than a judicial office.

SEC. 14. In each county organized for judicial purposes there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on any one or more courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties, as shall be provided by law.

SEC. 15. The supreme, circuit and probate courts shall be courts of record, and shall each have a common seal.

SEC. 16. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term.

SEC. 17. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the legislature.

SEC. 18. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

SEC. 19. The style of all process shall be: "In the name of the People of the State of Michigan."

HENRY A. SHAW, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Striker,

The House concurred in the amendments made to the article by the committee.

The Article was then referred to the committee of the whole and placed on the general order.

By the joint judiciary committees:

The judiciary committees of the Senate and House of Representatives, to whom was referred jointly the following resolution:

"Resolved, (the Senate concurring), That the judiciary committee of the two Houses be and hereby are instructed to jointly consider and report upon the most advisable method of submitting to the people the proposed amendments to the Constitution ;"

Have considered the same, and respectfully beg leave to submit the following report:

The method of submitting amendments to the State Constitution, is clearly pointed out in Article XX., Sec. 1 of that instrument. It provides that: "Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on their journals, respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at the next general election thereafter, and if a majority of the electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution."

It seems to the committee clear from the reading of this section, that more than one amendment may be submitted to the people for ratification, and be adopted by a majority of the electors voting a single proposition therefor.

The section repeatedly speaks of submitting an amendment, or amendments, thus showing the intention to permit the submission of a number of amendments together, as well as separately. If two amendments may be submitted at the same time and be adopted by a majority of the electors voting for that proposition, as seems to be the clear intent of that section, there can be no reason why twenty amendments may not thus be submitted, with like effect.

All that is requisite is that such amendments be agreed to by two-thirds of the members elected, and entered at large on the journals of the two Houses, with the yeas and nays thereon. If, therefore, either House shall pass the amendments proposed by the Commission, or made by the body itself by the required vote, we apprehend, and are of opinion, that it may enter the present Constitution at large on its journal, and follow the same with a statement that such House, as by a majority of two-thirds of the members elected thereto, agreed to submit the following amendments to the Constitution so that the same shall read, if ratified by a majority of the electors at the next general election, as follows: giving or entering there at large on the journal, the Constitution, with the several amendments proposed thereto.)

The committee would also recommend that in considering the proposed amendments to the Constitution each House adopt the following course: After the different articles have been considered in committee of the whole, and

reported back, that the question on ordering said articles to a third reading be taken by yeas and nays, as a test vote, for obtaining the sense of a majority of the members, and that no article be ordered to a third reading without a majority of the members elect, to the House considering the same, vote therefor; that after a vote has been taken on an article, and the same ordered to a third reading, the proper officer inform the other House that such article has been so ordered, at the same time giving a statement of the amendments, if any have been made, to the article as reported from the Constitutional Commission; that after so many of said articles, as can be, shall have been ordered to a third reading, and the amendments perfected in accordance with the sense of the body considering the same, we recommend that the articles be so grouped together in their proper order, and the question, on agreeing to all the amendments, be taken by a vote of two-thirds of the members elect, as required by the Constitution.

HENRY A. SHAW,

*Chairman of the Judiciary Committee of the House.*

Report accepted and committee discharged.

On motion of Mr. Warren,

The report was adopted.

#### INTRODUCTION OF BILLS.

Mr. Hoyt, unanimous consent being given, introduced

Joint resolution proposing an amendment to Sec. 1, Art. VII., of the Constitution, in relation to the qualification of electors.

The joint resolution was read a first and second time by its title, and referred to the committees on elections and State affairs jointly.

#### MOTIONS AND RESOLUTIONS.

Mr. J. Walker offered the following:

*Resolved*, That the use of this hall be granted to Mrs. W. G. Wharton, M. D., of Kalamazoo, on Thursday evening next, to deliver a lecture on "The True Woman."

Which was adopted.

Mr. Lamb offered the following:

*Resolved*, That the committee on railroads, to whom was referred Art. XI. (being corporations other than municipal) be and are hereby instructed to include in their report the following, to stand as Sec. 14 of said Article:

"SEC. 14. No railroad, railway, or other transportation company incorporated under the laws of this State or doing business therein, shall grant free passes or passes at a discount, to any State officer, judge of a court of record, or member of the Legislature.

On the adoption of which,

Mr. Welker demanded the yeas and nays.

The demand was not seconded.

The resolution was then not adopted.

#### THE SPECIAL ORDER

Being the consideration of the question of concurrence in the report of the committee of the whole, in striking out the whole of the proposition for the Taxation and Restriction of the Liquor traffic, being before the House,

Mr. Buel offered the following substitute for the same:

"The Legislature may enact laws taxing a traffic in spirituous or malt liquors, and such laws, if enacted, shall impose an annual tax of not less than two hundred dollars upon every person or firm who shall engage in the busi-

ness of selling or disposing of the same. Every law passed for such purpose, shall provide for the payment of such tax into the county treasury of the respective counties, to the credit of the poor fund; and if there be a surplus of a sum annually required for the support of the poor, such surplus shall be credited to any other fund designated by the board of supervisors. Druggists and chemists selling liquors for medicinal purposes, upon the prescriptions of practicing physicians, shall be exempted from the payment of such tax. The right of the people of every county, township, city, or village to wholly prohibit the traffic in spirituous or malt liquors, by a majority vote of the qualified electors, shall never be abridged, and every law passed taxing the traffic, shall contain the necessary provisions for wholly prohibiting the same in the respective localities, by a vote of a majority of the qualified electors as above stated. Such law, if enacted, shall confer upon boards of supervisors, township boards, city councils, or boards of village trustees, full power to increase and apportion the amount of tax to be paid, and authority to require good and satisfactory security from every person or firm engaging in the business, that no liquors, spirituous or malt, will be sold to minors, persons under guardianship, insane, or idiotic persons, paupers, or common drunkards, and shall contain such other provisions as may be necessary for the enforcement of penalties and the maintenance of good order in every community wherein such traffic is taxed."

The following is the original proposition as amended in committee of the whole:

#### TAXATION OF THE LIQUOR TRAFFIC.

At the election when this amended constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following proposition, to be added, in case of its adoption, to section 4 of Article IV. in the present constitution of this State, as it now stands, and to section 36 of Article IV. in said amended constitution, if the latter is adopted, viz.:

An annual tax of not less than three hundred dollars is imposed upon the traffic in intoxicating liquors, to be paid by every person or firm who shall carry on or be engaged in the business of selling or disposing of such liquors otherwise than for medicinal, chemical and mechanical purposes, for each place where such business is carried on by such person or firm. Said tax shall be paid into the treasury of the proper county, and be applied by the proper authorities to the support of the poor therein, so far as may be necessary, and the residue appropriated as the legislature shall provide. The sale or other disposition of such liquors to minors, persons under guardianship, insane and idiotic persons, paupers and common drunkards, is wholly prohibited. Every person who shall carry on or engage in the business or traffic taxed as aforesaid in this section, without having first paid the tax imposed, or otherwise violate any provision of this section, shall be guilty of a misdemeanor, and, on conviction, be punished by fine or imprisonment, or both, as may be prescribed by law, and every sale until the tax is paid shall subject the party to such penalty; and all necessary laws shall be passed to enforce the provisions of this section. The legislature may further regulate and restrict the sale and other disposition of intoxicating liquors; and may increase the annual tax upon said traffic in any locality.

Any city or village, or the township board of any township, may restrict the sale and other disposition of intoxicating liquors, and may increase the annual tax upon said traffic in any locality.

Said proposition shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box. Upon the ballots given for said proposition, shall be written, printed, or partly written and partly printed, the words, "*To encourage restriction and taxation of the liquor traffic—Yes;*" and upon the ballots given against the adoption thereof, in like manner, the words, "*Restriction and taxation of the liquor traffic—No.*"

If at said election a majority of the votes given upon said proposition shall contain the words, "*Restriction and taxation of the liquor traffic—Yes,*" then said proposition shall be added to Sec. 47 in Article IV. of the present Constitution, and to Sec. 36 in Article IV. of said amended Constitution, if the latter is adopted.

On motion of Mr. Ferguson,

This subject was made the special order for to-morrow.

On motion of Mr. Warren,

The House resolved itself as into the committee of the whole, for the consideration of the proposed Constitution.

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

Sec. 3, Art X., being under consideration,

The same was then passed.

The substitute for Sec. 1, Art. IX., being under consideration,

Mr. Perry moved to amend the section by striking out the clause fixing the salaries of the Judges of the Supreme Court;

Which motion did not prevail.

On motion of Mr. Perry,

The vote by which the House refused to strike out the clause was reconsidered.

Mr. Greusel moved to amend the section by making the salaries of the Judges of the Supreme Court four thousand dollars;

Which motion prevailed.

The motion to strike out did not then prevail.

Mr. Green moved to amend the section by making the salary of the Commissioner of Insurance two thousand and five hundred dollars;

Which motion did not prevail.

On motion of Mr. Grant,

All relating to the Commissioner of Insurance was stricken from the section.

On motion of Mr. Ackley,

All relating to the Commissioner of Railroads was stricken from the section.

Mr. Thomas moved that the entire section be stricken out,

Pending which,

Mr. J. Walker moved to amend the section by fixing the salary of the Governor at two thousand five hundred dollars,

Which motion did not prevail.

Mr. Ackley moved to amend the section by fixing the salary of the Governor at four thousand dollars,

Which motion did not prevail.

Mr. Noyes moved to amend the section by striking out the clause relative to salaries of Circuit Judges;



Pending which,

Mr. Garvelink moved to amend the section by fixing the salaries of Circuit Judges at two thousand dollars;

Pending which,

Mr. Sessions moved that the section be reported back with the recommendation that it be recommitted to the committee on State affairs, with instructions to report a plan for submitting the question of salaries to a separate vote of the people;

Which motion did not prevail.

The motion to fix the salaries of the circuit judges at two thousand dollars did not then prevail.

The motion to strike out the clause relative to salaries of circuit judges did not then prevail.

Mr. E. R. Miller moved to amend the section by striking out all reference to the Attorney General.

Mr. Walton moved to amend the section by fixing the salary of the Attorney General at two thousand dollars.

On motion of Mr. Grant,

The committee rose and reported as follows:

#### REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the substitute for Article IX. of the proposed Constitution, but not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

Report accepted.

On motion of Mr. Grant,

Leave was granted the committee to sit again.

Mr. Shaw moved to take from the table Sec. 7, Art. II. of the proposed amended Constitution, relative to trial by jury;

Which motion prevailed.

On motion of Mr. Shaw,

The section was then referred to the committee of the whole, and placed on the general order.

Mr. Fancher offered the following:

*Resolved*, That the State Treasurer be and he is hereby requested to furnish this House with a statement of all specific taxes levied for the year 1873, and the amount paid into the Treasury by the different corporations and branches of business subject to such tax;

Which was adopted.

On motion of Mr. Greusel,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

On motion of Mr. Withington,

The House resolved itself as into a committee of the whole, for the consideration of the proposed Constitution.

## PROCEEDINGS IN COMMITTEE.

Art. IX. being under consideration when the committee rose,

There were pending the following questions:

1. A motion to strike out Sec. 1;

2. A motion to amend Sec. 1 by striking out all reference to the Attorney General;

3. A motion to amend the section by fixing the salary of the Attorney General at two thousand dollars.

The question being taken on fixing the salary of the Attorney General at two thousand dollars,

The motion did not prevail.

The motion to amend Sec. 1 by striking out all reference to the Attorney General, did not prevail.

Mr. Lewis moved to amend the section by striking out the clause requiring certain State officers to reside at Lansing.

Which motion prevailed.

The question being taken on striking out the whole of Sec. 1,

The motion did not prevail.

The Article was then passed.

Article VI. being under consideration,

Sec. 1 was passed.

Mr. Luce moved to amend Sec. 2, by striking out in line 1, the word "five," and inserting in lieu thereof the word "three;"

Which motion did not prevail.

The section was then passed.

Mr. Caplis moved to amend Sec. 3 by adding at the end thereof, the following: "And said court shall not declare and hold any act of the State Legislature void, unless prohibited by the express words of the constitution of this State or of the United States, or unless such act shall by necessary implication manifestly infringe some provision of the Constitution of this State, or of the United States."

Which motion did not prevail.

The section was then passed.

Sec. 4 was passed.

Mr. Fancher moved to amend Sec. 5, by striking out all after the word "decisions" in line 4.

Mr. Speed moved to amend the section by adding at the end the words, "subject to such rules of practice as shall be prescribed by law."

Which motion prevailed.

The motion to strike out then prevailed.

The section was then passed.

Mr. Shaw moved to amend Sec. 6, by inserting in line 1, after the word "into," the word "fifteen."

Mr. J. Walker moved to amend the amendment by inserting the word "twelve" in lieu of "fifteen."

Which motion did not prevail.

The motion to insert "fifteen" then prevailed.

Mr. Dovel moved to amend the section by inserting in line 5, after the word "office," the words, "provided the said judge shall still reside in the district of which he is a judge."

Which motion prevailed.

Mr. Speed moved to amend the section by striking out the words, "may increase or decrease the number of the same from time to time," and inserting in lieu thereof the words, "It may re-arrange the circuits, and may increase the number at the expiration of periods of twelve years. It may at any time decrease the number of circuits."

Which motion prevailed.

The section was then passed.

Mr. Fey moved to amend Sec. 7, by inserting after the word "other," in line 5, the words, "or in case of vacancy;"

Which motion prevailed.

The section was then passed.

Sec. 8 was passed.

Sec. 10 was passed.

Sec. 11 being under consideration,

On motion of Mr. Shaw,

The section was ordered reported back, and leave asked to sit again for its consideration.

Sec. 12 was passed.

Mr. Shaw moved to strike out Sec. 13.

Mr. Dovel moved to amend the section by striking out the words "or for one year thereafter;"

Which motion prevailed.

The motion to strike out the section did not prevail.

The section was then passed.

Mr. Blackman moved to amend Sec. 14 by striking out line 4 and all of line 5 up to the word "Judges."

Mr. Fancher moved to amend the section by striking out in line 5 the words "any one or more;"

Which motion prevailed.

The motion to strike out did not prevail.

Mr. Green moved to amend the section by striking out in line 6, the word "four" and inserting in lieu thereof the word "two,"

Which motion did not prevail.

The section was then passed.

Secs. 15 and 16 were passed.

Mr. Ripley moved to strike out of Sec. 17 the word "exclusive,"

Which motion did not prevail.

Mr. Dovel moved to amend the section by striking out the words "which may be increased to five hundred dollars,"

Which motion did not prevail.

The section was then passed.

Sections 18 and 19 were passed.

Mr. Buell moved to reconsider the vote by which the committee amended Sec. 13, by striking out the words "for one year thereafter,"

Which motion prevailed.

The motion to strike out did not then prevail.

Article II. being under consideration,

Mr. Grant moved to amend Sec. 7 by striking out all after the word "twelve" in line 5,

Mr. Speed moved to amend the section by inserting, in line 5, after the word "twelve," the words "and may authorize;"

Which motion did not prevail.

Mr. Perry moved to amend the section by striking out the word "two," in line 7, and inserting the word "one" in lieu thereof;

Which motion did not prevail.

Pending the motion to strike out all after the word "twelve," in line 5.

On motion of Mr. Buel,

The committee rose and reported as follows:

REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the following named portions of the proposed amended Constitution, viz.:

Sec. 3, Art. X.

Substitute reported by committee on State affairs for Art. IX. entire.

Amended Art. VI. entire, and

Sec. 7, Art. II.;

And have directed their chairman to report the following named amendments back to the House, asking concurrence therein :

1. Amend Sec. 1, Art. IX., in second paragraph, by striking out the words "three thousand five hundred" as relates to salary of Supreme Judge and inserting in lieu thereof the words "four thousand;"

2. Amend substitute for Sec. 1 of Art. IX., by striking out of same all reference to Commissioner of Insurance ;

3. Amend substitute for Sec. 1, Art. IX., by striking out of same all reference to Commissioner of Railroads ;

4. Amend substitute for Art. IX. by striking out all therein relating to the making it obligatory on the part of certain State officers to reside at the seat of government ;

5. Amend Sec. 5, Art. VI., by striking out the following words: "And said court shall also have power to establish a code or codes of civil procedure, pleading and practice, including the commencement of suits and proceedings for all other courts of record, and from time to time to alter and amend such codes."

6. Amend Sec. 6, Art. VI., by inserting in the first line, before the word "judicial," the word "fifteen;"

7. Amend Sec. 6, Art. VI., by inserting after the word "office," in 5th line, the following words: "provided the said Judge shall still reside in the district of which he is Judge ;

8. Amend Sec. 6; Art. VI., by striking out, commencing in first line, the words "increase or diminish the number of the same, from time to time," and insert in lieu thereof the following: "re-arrange the circuits, and may increase the number at the expiration of periods of twelve years; it may at any time decrease the number of circuits;"

9. Amend Sec. 7, Art. VI., by inserting after the word "other," in third line, the words "or in case of vacancy;"

10. Amend Sec. 14, Art. VI., by striking out of the same the words, "any one or more;"

And have directed their chairman to report back to the House Sec. 3, Art. X., without amendment, and recommend that it be placed on the order of third reading ;

And have directed their chairman to report back to the House Secs. 2 and 11, Art. VI., Sec. 7, Art. II., as not having been sufficiently considered, therefore ask leave to sit again for the further consideration of the same.

Report accepted and committee discharged.

On motion of Mr. Bronson,

The House concurred in the several amendments made by the committee, and the several sections were placed on the order of third reading.

Sec. 3, Art. X., was placed on the order of third reading.

On motion of Mr. Buel,

Leave was granted the committee to sit again in the consideration of Secs. 2 and 11, Art. VI., and Sec. 7, Art. II.

The committee on railroads, by unanimous consent, reported as follows:

The committee on railroads, to whom was referred Article XI. of the Constitution as proposed to be amended by the Constitutional Commission, entitled Corporations other than Municipal, with instructions to draft and report a substitute therefor,

Respectfully report that they have had the same under consideration, and have directed me to report to the House the following as a substitute for said Article XI., and recommend that it be adopted, and ask to be discharged from the further consideration of the subject:

## ARTICLE XI.

### CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations (other than municipal, and those for charitable, educational, penal and reformatory purposes under the control of public authority) shall be hereafter created only by general laws. All general acts of incorporation, and general laws affecting corporations, may be altered, amended or repealed.

SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

SEC. 3. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

SEC. 4. The legislature shall provide for the registry of all bills or notes issued or put in circulation as money by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or of the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

SEC. 5. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The legislature shall pass no law authorizing or sanctioning the suspension of payments by any person, association, or corporation.

SEC. 7. The stockholders in all corporations shall be individually liable for all labor done in behalf of such corporation.

SEC. 8. All fictitious issue or increase of the bonds or other evidence of indebtedness, or of the capital stock of any corporation, is prohibited.

SEC. 9. No corporation shall hold any real estate for a longer period than ten years from the time of acquiring the same, except such real estate as shall be actually occupied by it, or necessary in the exercise of its franchises.

SEC. 10. Foreign corporations may be permitted to do business in this State under such limitations and restrictions as may be prescribed by law, but shall be subject to the same restrictions and liabilities that are imposed, and shall have no greater rights than are conferred upon, domestic corporations of like character, and the stockholders of such foreign corporation shall be subject to like personal liabilities as stockholders in similar domestic corporations. No foreign corporation shall acquire or hold any more lands in this State than a domestic corporation of a like character is permitted to acquire or hold, and all lands hereafter acquired or held in violation of this provision shall escheat to the State. Provision shall be made for debarring all foreign corporations which shall violate any law of this State from thereafter being allowed to do business in the State.

SEC. 11. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and regulating the speed of trains, on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroads. The legislature may also pass laws establishing reasonable maximum rates of tolls or freights on ship or other canals in this State.

SEC. 12. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law, nor shall any such corporation hereafter lease any parallel or competing line of road, and no two or more parallel or competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding, with reference to rates of fare or freight to be charged, or for the division of earnings.

SEC. 13. Every corporation organized in this State shall maintain an office therein, where a record of the transfers of its stock shall be made, and where books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, and amount paid in, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 14. No president, director, officer, agent, or employe of any railroad or canal company shall be interested directly or indirectly in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers, over the works owned, leased, controlled, or operated by such company.

SEC. 15. No telegraph company shall consolidate with, nor hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, nor acquire by purchase or otherwise any competing line of telegraph.

SEC. 16. No corporation, except for municipal or mining purposes, for life insurance, or for the construction of railroads or canals, shall be created for a longer period than thirty years.

SEC. 17. The term corporation, as used in this article, shall be construed to

include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

E. C. WATKINS, *Chairman.*

Report accepted and committee discharged.

The question being on the adoption of the substitute reported by the committee,

On motion of Mr. Fancher,

The House adjourned.

*Lansing, Wednesday, March 11, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Fairfield.

Roll called: quorum present.

Absent without leave: Messrs. Eggleston and Zimmerman.

Mr. Knapp asked and obtained leave of absence for Mr. Zimmerman until noon.

Mr. Perry asked and obtained leave of absence for Mr. Knapp for the first two days of the session.

Mr. Warren asked and obtained leave of absence for the first two days of the session.

The question pending being on the adoption of the substitute for Article XI. reported by the committee on railroads,

On motion of Mr. Brunson,

The same was concurred in.

The Article was then referred to the committee of the whole, and placed on the general order.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
*Lansing, March 10, 1874.*

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That a committee of two on the part of the Senate, and three on the part of the House, be appointed as a committee on arrangement and phraseology of the Constitution. It shall be the duty of such committee to recommend such changes in the arrangement and phraseology as they may think proper, either in the work of the Commission, or in the amendments made by the Legislature. Such committee are hereby authorized to employ a clerk or compiler,

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Brunson,

The House concurred in the adoption of the resolution.

The Speaker announced as the committee on the part of the House, under the resolution, Messrs. Blackman, Speed, and Rose.

The Speaker also announced the following :

SENATE CHAMBER,  
Lansing, March 10, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to return to the House the following concurrent resolution :

*Resolved* (the Senate concurring), That a committee of three on the part of the House, to confer with a like committee on the part of the Senate, be appointed to report the amount of salaries to be paid the officers of this Legislature for their services during the present session ;

In the passage of which the Senate has concurred, and to inform the House that Senators DeLand, Dewey, and Mellen have been appointed as such committee.

Very respectfully,

JAS. H. STONE,  
*Secretary of the Senate.*

The Speaker announced as the committee on the part of the House, under the resolution, Messrs. Ferguson, Lewis, and Withington.

#### MOTIONS AND RESOLUTIONS.

Mr. Watkins offered the following :

*Resolved*, That 1,000 copies of the text of the report of the Commissioner of Railroads be furnished by the clerk for use of members of the House ;

Which was adopted.

Mr. Shaw offered the following :

*Resolved*. That so much of the amended Constitution as has been ordered to a third reading in this House be recommitted to the committee of the whole ;

Which was adopted.

On motion of Mr. Perry,

The House resolved itself as into the committee of the whole on the

#### SPECIAL ORDER,

The Speaker in the chair.

The subject under consideration being the supplemental Article relative to the Taxation and Restriction of the Liquor Traffic,

Mr. Hoyt moved that the same be stricken out.

Mr. Buell offered the following substitute for the Article :

“The Legislature may enact laws taxing a traffic in spirituous or malt liquors, and such laws, if enacted, shall impose an annual tax of not less than two hundred dollars upon every person or firm who shall engage in the business of selling or disposing of the same. Every law passed for such purpose, shall provide for the payment of such tax into the county treasury of the respective counties, to the credit of the poor fund ; and if there be a surplus of a sum annually required for the support of the poor, such surplus shall be credited to any other fund designated by the board of supervisors. Druggists and chemists selling liquors for medicinal purposes, upon the prescriptions of practicing physicians, shall be exempted from the payment of such tax. The right of the people of every county, township, city, or village to wholly prohibit the traffic in spirituous or malt liquors, by a majority vote of the qualified



electors, shall never be abridged, and every law passed taxing the traffic, shall contain the necessary provisions for wholly prohibiting the same in the respective localities, by a vote of a majority of the qualified electors as above stated. Such law, if enacted, shall confer upon boards of supervisors, township boards, city councils, or boards of village trustees, full power to increase and apportion the amount of tax to be paid, and, authority to require good and satisfactory security from every person or firm engaging in the business, that no liquors, spirituous or malt, will be sold to minors, persons under guardianship, insane, or idiotic persons, paupers, or common drunkards, and shall contain such other provisions as may be necessary for the enforcement of penalties and the maintenance of good order in every community wherein such traffic is taxed."

Mr. Hosner moved to amend the substitute by striking out in line 3, the word "two" and inserting in lieu thereof the word "five."

Mr. Ferguson moved to amend the original Article by striking out all after the word "section," in 4th line from the bottom, and inserting in lieu thereof the following: "The legislature may in any locality further regulate, restrict, and prohibit the sale and other disposition of intoxicating liquors, and may increase the annual tax on the same;"

Pending which,

On motion of Mr. Bottomley,

The committee rose and reported as follows:

#### REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the supplementary Article entitled, Taxation and Restriction of the Liquor Traffic;

But not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

Report accepted.

Leave was granted the committee to sit again.

On motion of Mr. Buell,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The Speaker announced the receipt of intelligence of the death of the distinguished scholar and statesman, the Honorable Charles Sumner, United States Senator from Massachusetts, who died in the city of Washington at 11:45 o'clock this morning.

On motion of Mr. E. R. Miller,

The House resolved itself as into committee of the whole for the consideration of the proposed Constitution.

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

The supplemental Article relative to Taxation and Restriction of the Liquor Traffic being under consideration, the following questions were pending when the committee rose:

1. A motion to strike out the Article.

2. A substitute for the original Article, as follows:

"The Legislature may enact laws taxing a traffic in spirituous or malt liquors, and such laws, if enacted, shall impose an annual tax of not less than two hundred dollars upon every person or firm who shall engage in the business of selling or disposing of the same. Every law passed for such purpose shall provide for the payment of such tax into the county treasury of the respective counties, to the credit of the poor fund; and if there be a surplus of a sum annually required for the support of the poor, such surplus shall be credited to any other fund designated by the board of supervisors. Druggists and chemists selling liquor for medicinal purposes, upon the prescriptions of practicing physicians, shall be exempt from the payment of such tax. The right of the people of every county, township, city, or village to wholly prohibit the traffic in spirituous or malt liquors, by a majority vote of the qualified electors, shall never be abridged, and every law passed taxing the traffic, shall contain the necessary provisions for wholly prohibiting the same in the respective localities, by a vote of a majority of the qualified electors as above stated. Such law, if enacted, shall confer upon boards of supervisors, township boards, city councils, or boards of village trustees, full power to increase and apportion the amount of tax to be paid, and authority to require good and satisfactory security from every person or firm engaging in the business, that no liquors, spirituous or malt, will be sold to minors, persons under guardianship, insane or idiotic persons, paupers, or common drunkards, and shall contain such other provisions as may be necessary for the enforcement of penalties and the maintenance of good order in every community wherein such traffic is taxed."

3. A motion to amend the substitute by striking out the word "two," in line 3, and inserting in lieu thereof the word "five."

4. A motion to amend the original Article by striking out all after the word "section," in 4th line from the last, and inserting in lieu thereof the following: "The Legislature may, in any locality, further regulate, restrict and prohibit the sale and other disposition of intoxicating liquors, and may increase the annual tax on the same."

The question being taken on amending the original Article, the same was not agreed to.

The motion to amend the substitute by increasing the amount of tax, was withdrawn.

Mr. Buell moved to amend the substitute by inserting after the word "same" in line 4, the words "for each place where such liquors are offered for sale or disposal;"

Which motion prevailed.

Mr. Brunson moved to amend the substitute by striking out in line 3 the word "two" and inserting in lieu thereof the word "five;"

Mr. Fancher moved to amend the original Article by striking out, in line 18, the words "fine or imprisonment, or both, as may be prescribed by law," and inserting the following: "a fine of five hundred dollars, and in default of the payment thereof, imprisonment in the State Prison at hard labor for a term of five years, or until the fine is paid."

Which was agreed to.

The motion to amend the substitute by striking out the word "two," and inserting the word "five," prevailed.

Mr. Dovell moved to amend the substitute by inserting after the word "electors," the words "legally expressed, not oftener than once in two years."

Which motion prevailed.

Mr. Bottomley moved to amend the substitute by striking out, in line 1, the word "may," and inserting in lieu thereof the word "shall."

Which motion did not prevail.

Mr. Fey moved to amend the substitute by striking out, in line 5, the word "county," and inserting in lieu thereof the words "town, village, or city."

Which motion did not prevail.

Mr. J. Walker moved to amend the substitute by striking out in line 6, the word "poor," and inserting in lieu thereof the word "drain;"

Which motion did not prevail.

The substitute was then not agreed to.

The motion to strike out the original Article then prevailed.

On motion of Mr. Perry,

The committee rose and reported as follows:

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the supplemental Article relative to Taxation and Restriction of the Liquor Traffic;

Have stricken out the same, and have directed their chairman to report at fact to the House, asking concurrence therein.

Report accepted and committee discharged.

Mr. E. R. Miller moved that the House concur in the action of the committee.

Mr. Caplis demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

#### YEAS.

Mr. Armstrong,	Mr. Garvelink,	Mr. Noyes,	Mr. Speed,
Blackman,	Green,	O'Dell,	Striker,
Briggs,	Haire,	Parker,	Thompson,
Brubson,	Harden,	Parsons,	A. Walker,
Burns,	Harris,	Pierce,	F. Walker,
Cady,	Hewitt,	Priest,	J. Walker,
Climie,	Hoyt,	Rich,	Walton,
Collins,	Kellogg,	Ripley,	Warren,
Cook,	Kipp,	Robinson,	Welch,
Curtis,	Knapp,	Robertson,	Welker,
Drake,	Lewis,	Scott,	Wheeler,
Fancher,	Luce,	Sessions,	Wixson,
Ferguson,	E. R. Miller,	Simpson,	Speaker,
Garfield,	R. C. Miller,	Smith,	

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#### NAYS.

Mr. Ackley,	Mr. Dinturff,	Mr. Haywood,	Mr. Rose,
Bailey,	Dovell,	Hertzler,	Sanderson,
Bartholomew,	Drew,	Hosner,	Shaw,
Bottomly,	Edwards,	Howard,	Taylor,
Brown,	Fey,	Lamb,	Van Aken,
Buell,	Gilmore,	Markey,	Van Scoy,
Caplis,	Goodrich,	Mitchell,	Watkins,
Carter,	Gordon,	Morse,	Withington,
Cobb,	Grant,	Perry,	Zimmerman,
Colwell,	Greusel,		

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The Speaker announced the following:

STATE TREASURER'S OFFICE, }  
Lansing, March 11, 1874. }

Hon. C. M. CROSWELL, *Speaker of the House of Representatives:*

DEAR SIR—In response to the resolution of the House of Representatives, passed March 10th, 1874, calling on this office for information in regard to Specific Taxes, I beg leave to report: First, the only classes of corporations upon which this office levies Specific taxes, are the Telegraph and Express Companies. The amount levied during the fiscal year of 1873 was as follows: On

Telegraph Companies.....	\$2,236 43
Express Companies.....	2,016 54

Second: The amount of Specific Taxes received during the fiscal year ending Sept. 30th, 1873, and shown on pages 9 and 31 of the Report of this office, are as follows: On

Railroad Companies.....	\$209,706 13
Street Railway Companies.....	1,533 43
Fire Insurance Companies.....	58,301 98
Life Insurance Companies.....	54,870 91
Mining Companies.....	18,778 37
Telegraph Companies.....	2,236 43
Express Companies.....	2,016 54
River Improvement Companies.....	152 00
	<hr/> \$347,595 79

On page 4 of the report of this office it was stated on information that about \$250,000 railroad taxes were unpaid; of this amount \$211,808 46 has been received, together with \$14,168 88 interest, and \$354 04 penalty.

The Fire Insurance Companies have mostly made their reports for the year ending Dec. 31, 1873, paying into the treasury more than last year. The Life companies have not reported as fully, but it is estimated that their tax will fall off as much if not more than the Fire have increased. The Express companies have reported and paid into the treasury \$2,230 79.

Very respectfully,

H. D. BARTHOLOMEW,  
*Deputy State Treasurer.*

The communication was laid on the table.

Mr. Watkins asked and obtained leave of absence for Mr. Lockwood for to-morrow forenoon.

On motion of Mr. Cady,

The House adjourned.

*Lansing, Thursday, March 12, 1874.*

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Sisson.

Roll called : quorum present.

Absent without leave, Mr. Eggleston.

#### PRESENTATION OF PETITIONS.

By Mr. A. Walker: Petition of E. B. Ward, S. R. Mumford, Miss L. A. Morgan, Miss J. E. Miller, and 21 others of Detroit, in favor of female suffrage;

Also: Petition of V. T. McGillicuddy, C. D. Childs, Miss Fanny Thompson, Mrs. M. F. Andrews, and 50 others of Detroit, for the same purpose;

Referred to the committees on elections and State affairs, jointly.

By Mr. Bartholomew: Memorial of the Michigan State Woman's Suffrage Association;

Referred to the committees on elections and State affairs, jointly.

The following is the memorial:

*To the Senate and House of Representatives of the State of Michigan, in Special Session convened:*

The executive committee of the Michigan State Woman's Suffrage Association, at their meeting held at Kalamazoo February 10, 1874, voted to memorialize your honorable body, at your special session now being held.

We beg leave to represent to you that the object of this Association is to secure, in a legal way, the enfranchisement of the women of the State. They are, as you well know, already recognized as citizens of the State according to the laws of the United States. They are now taxed for all purposes of public interest as well as the men. But they are not represented in the Legislature, nor in any branch of the State government, thus affording a great example, and an unjust one for women, of taxation without representation, which our fathers declared to be tyranny; and which is contrary to the genius of our republican institutions and to the general polity of this commonwealth.

Women are also governed, while they have no direct voice in the government, and made subject to laws affecting their property, their personal rights and liberty, in whose enactment they have had no voice.

We therefore petition your honorable body, that in preparing a new Constitution, to be submitted for adoption or rejection by the people of this State, you will strike out the word *male* from the article defining the qualifications of electors; or if deemed best by you, will provide for the separate submission of an article for the enfranchisement of the women of Michigan, giving them equal rights and privileges with the men.

By thus taking the lead of the States of the Union, to more fully secure the personal rights of all the citizens, you will show yourselves in harmony with the spirit of the age and worthy to be called pioneers in this cause, as you are already most honorably accounted pioneers in your educational system, which affords equal and impartial advantages to the population of our State irrespective of sex or condition in life,—thus aiming to elevate the entire people to the highest practicable plane of intelligence and true civilization.

By order, and in the name of the Michigan Woman's Suffrage Association.

L. H. STONE, *Corresponding Secretary.*

MRS. A. H. WALKER, *President.*

By Mr. Blackman: Memorial of Paw Paw Grange No. 10, Patrons of Husbandry.

Referred to the committees on ways and means and State affairs jointly.

The following is the memorial:

*To the Legislature of the State of Michigan:*

At a regular meeting of Paw Paw Grange No. 10, Patrons of Husbandry, the following resolutions were discussed, and unanimously adopted as the sense of this grange:

*Resolved*, 1st, That we are opposed to any change in the Constitution of the State, relating to the election of judicial officers;

2d, That the salaries of all State officers, including Judges of the Supreme and Circuit Courts, should be fixed in the Constitution of the State;

3d, That the issue of stock, bonds, or certificates of indebtedness, except in good faith, and for value received, or in other words, "the watering of stock," and the formation of corporations among railroad officials, or other persons, for running trains or cars over the railroads of the State, should be prohibited;

4th, That the increase of the Board of Supervisors by allowing all incorporated villages to elect supervisors with power to assess and represent such municipalities independent of the township at large, will not only greatly increase the expenses of the county, but bring the villages and farming interests in direct conflict, which should not be encouraged, but prohibited by the Constitution;

5th, That the school-district libraries exist in name only, and all moneys derived from fines, penalties, forfeitures, or recognizances should be *permitted* to be used for the support of the primary schools;

6th, That the power of the Legislature to "*alter or amend*" the charters of "existing corporations," should not be denied by the constitution of the State;

7th, That the "proposition," *Restriction and Taxation of the Liquor Traffic*, proposed to be submitted to the people of the State by the "Constitutional Commission," is well calculated to mislead the voters, and thus legalize a traffic which is the cause of more wretchedness, crime, pauperism, insanity, and unnecessary taxation, than all other causes combined; and should be repudiated, not only by the Legislature, but by every lover of humanity;

8th, That the Secretary be instructed to forward a copy of these resolutions to the Legislature, now in session.

T. R. HARRISON, *Master*.

E. L. WARNER, *Secretary*.

#### REPORTS OF STANDING COMMITTEES.

By the committee on municipal corporations:

The committee on municipal corporations to whom was referred Sec. 4, of Art. VI., of the proposed Constitution.

Respectfully report that they have had the same under consideration, and have agreed to report on amendment thereto, which amendment they recommend be concurred in, and when so amended the section be passed.

The committee have considered it unadvisable to remove the restriction imposed by this section against the alteration of Senate and Representative districts, but at the same time deem it unadvisable to retain any restriction against the alteration of the boundaries of municipalities, which restrictions under the decision rendered recently by the supreme court in the case of the eleventh ward, of Detroit, exists by virtue of the section wherever the change

of boundaries of the municipality, whether a county town or city, affects a Senatorial or Representative districts.

By the amendment proposed by the committee, the boundaries of a municipality, may be changed by law, but whenever a Representative or Senatorial district shall be affected by such change, elections shall be held for Senator or Representative in the territory, detached from the district the same as though no change of boundaries had been made. In some cases this necessity of holding such elections may occasion inconveniences, which must be endured until the next census is taken and apportionment made, but the committee can see no way of avoiding this inconvenience if it be desirable to retain the provision prohibiting alterations of districts by Legislation. If the Legislature may alter districts by transferring territory in one district to another, under the pretense of making a change in the boundary of a municipality, unless some provision be made for holding elections as proposed, the restriction may as well be stricken out entirely from the Constitution. The committee deem the restriction a proper one, and the Legislature should not be permitted to nullify it at pleasure.

The committee have also ascertained that the decision of the Supreme Court may affect the validity of action taken under a very large number of acts passed by the different Legislatures since 1850. The validity of the organization of counties and towns and of annexations to a number of cities may be questioned and possibly held void,—while possibly the court may hold in some of these cases that where the action of the Legislature has been acquiesced in and been acted upon for a series of years, and especially where it had been subsequently recognized by law, and the people have raised taxes, made improvements, and exercised their franchises. No inquiry can be permitted to undo their corporate existence. Yet it cannot be determined what would be the decision. And as to some of these acts there can be no doubt that they would be held to be null and void. If the Supreme Court *should* overturn all of the acts of the Legislature of the character mentioned which have been passed since 1850, the consequences would be so serious that the mere mention of them would immediately give rise to the question whether a confirmation of the acts should not be made. As the difficulty grows out of the Constitution it probably cannot be cured except by the Constitution. If these acts were void a subsequent law could not confirm and make them valid except as suggested above upon the principle that the State would be estopped from questioning its own action.

The matter is of so much importance that the committee have deemed it advisable, in order to quiet any possible doubt on the subject, to include in this amendment a confirmation of all acts of the Legislature heretofore made changing boundaries, and declaring that they shall not be held void for the reason that such acts affected a senatorial or representative district.

J. J. SPEED, *Chairman*.

Report accepted and committee discharged.

Mr. Fey moved that the house concur in the amendments made to the section by the committee.

Mr. Edwards moved to amend the section as reported by the committee by adding the words "except such invalid acts as have been so declared by the Supreme Court."

Which motion did not prevail.

The question being on concurring in the amendments made to the section by the committee,

Mr. Edwards demanded the yeas and nays.

The demand was not seconded.

The amendments were then concurred in.

The section as amended is as follows:

SEC. 4. The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and eighty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall re-arrange the senate districts, and apportion anew the representatives among the counties and districts, according to the number of inhabitants. But no re-arrangement of senate districts shall vacate the seat of any senator. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Boundaries of municipalities may be changed by law, but if thereby any territory embraced within a Senatorial or Representative district shall be detached therefrom, elections shall be held for Senator or Representative, as the case may be, in the territory so detached, until the return of another enumeration and apportionment, the same as though such change in boundaries had not been made. No law heretofore enacted making a change in the boundaries of any municipality shall be held void for the reason that the same altered a Senatorial or Representative district. And all such laws are hereby declared to be valid and confirmed.

Mr. Climie asked and obtained leave of absence indefinitely, on account of sickness.

#### MOTIONS AND RESOLUTIONS.

Mr. Withington offered the following:

*Resolved* (the Senate concurring) That a committee of five on the part of the House, to act with a committee on the part of the Senate, be appointed to draft appropriate resolutions upon the death of the Hon. Charles Sumner;

Which was adopted.

The Speaker announced as such committee on the part of the House Messrs. Withington, Caplis, Dovel, Edwards, and Striker.

Mr. Withington offered the following:

WHEREAS, The Legislature of Michigan has heard, with profound sorrow, of the death of the Hon. Charles Sumner, United States Senator from Massachusetts;

*Resolved* (the Senate concurring), That occupying, as he has, a foremost place in the history of the country, Charles Sumner stands forth in that history a man of grand intellectual power, great learning, and exalted character, whose every labor and almost every thought were devoted to the service of his country. An opponent of slavery from his youth, a champion of freedom, whose standard never for a moment wavered,—a great Statesman whose mind has left its impress upon the legislation and public sentiment of the country and whose record is as clear and spotless as it is conspicuous, we contemplate his career with pride and admiration, and deeply lament its close;

*Resolved*, That a copy of these resolutions be transmitted to the Legislature of Massachusetts.

On motion of Mr. Withington,

The resolutions were referred to the special committee on the death of the Honorable Charles Sumner.



Mr. Remer offered the following:

*Resolved* (the Senate concurring), That a committee of five on the part of the House, to act with a committee on the part of the Senate, be appointed to draft appropriate resolutions on the death of Hon. Millard Fillmore.

Mr. Gilmore moved to amend the resolution by adding thereto the name of Hon. Morgan Bates;

Which was agreed to.

The resolution was then adopted.

The Speaker announced as the committee under the resolution, Messrs. Remer, Riply, Harris, Mitchel, and Parker.

Mr. Burns moved that the committee of the whole be discharged from the further consideration of Sec. 2, Article XIII.;

And that the same be referred to the committee on education, with instructions to insert the words "if accepted," after the word "shall," in line two from the bottom.

Mr. Hoyt moved to amend the instructions by striking out all after the word "voting," in line 13, and inserting in lieu thereof the following: "Said board shall perform such duties as shall be prescribed by law."

Mr. VanAken moved to amend the original motion by discharging the committee of the whole from the consideration of the whole of Art. XIII.

Which motion did not prevail.

Mr. Edwards demanded a division of the question.

The question being on discharging the committee of the whole from the further consideration of Sec. 2, Art. XIII.,

On motion of Mr. Noyes,

The motion was laid on the table.

On motion of Mr. Bottomly,

The House resolved itself as into committee of the whole for the consideration of the proposed Constitution.

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

Art. II. being under consideration,

The question pending, being to amend Sec. 7 by striking out all after the word "twelve" in line 5.

Mr. Shaw moved to amend the section by inserting after the words "verdict by," the words "not less than."

Which motion prevailed.

Mr. Dovel moved to reconsider the vote by which the committee refused to strike out the word "two" before the word "juror," and insert the word "one" in lieu thereof.

Which motion prevailed.

The motion to amend the section by inserting the word "one" in lieu of the word "two," then prevailed.

The motion to strike out all after the word "twelve" was then withdrawn.

Mr. Dovel moved to amend the section by inserting after the word "juror" the words "in case of sickness or death."

Which motion did not prevail.

The section was then passed.

Art. XI. being under consideration,

Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 were passed.

Mr. Buell moved to amend Sec. 13, by inserting after the word "organized," in line 1, the words, "or doing business."

Which was withdrawn.

The section was then passed.

Mr. Ripley moved to strike out Sec. 14.

Mr. Dovel moved to amend the section by striking out all after the word "company" in line 3.

Mr. Withington moved to amend the section by striking out after the word "in" in line 3, to and including the word "of" in line 4, and inserting in lieu thereof the words, "other companies transporting."

Pending which,

On motion of Mr. Wixson,

The committee rose and reported as follows:

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration Sec. 7, Art. XIII., and Art. XI.,

But not having gone through therewith, have directed their chairman to report that fact to the House and ask leave to sit again.

Report accepted.

On motion of Mr. Cady,

Leave was granted the committee to sit again.

On motion of Mr. Rose,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

On motion of Mr. Watkins,

The House resolved itself as into committee of the whole, for the consideration of the proposed Constitution,

The Speaker in the chair.

#### PROCEEDINGS IN COMMITTEE.

Art. XI. being under consideration.

When the committee rose, the pending questions were,

1. A motion to strike out Sec. 14.

2. A motion to amend the section by striking out all after the word "company," in line 3.

3. A motion to amend the section, by striking out after the word "in," in line 3, to and including the word "of," in line 4, and inserting in lieu thereof the words, "other companies transporting."

The motion to amend by striking out and inserting in lines 3 and 4 was withdrawn.

The motion to strike out all after the word "company," in line 3, was withdrawn.

Mr. Thomas moved to amend Sec. 13 by striking out the word "employe;,"

Which motion did not prevail.

The motion to strike out did not then prevail.

The section was then passed.

Secs. 15, 16, and 17 were passed.

Mr. Morse moved to amend Sec. 7, by adding the words "equally and ratably to the extent of their respective shares of stock in any such corporation;"

Which motion did not prevail.

Mr. Ackley moved to amend Sec. 3 by striking out, in line 3, the word "all;"

Which motion did not prevail.

Mr. Ripley moved to strike out Sec. 10.

Mr. Howard moved to amend the section by striking out in line 10 the word "shall," and inserting the word "may" in lieu thereof;

Which motion prevailed.

Mr. Grant moved to amend the section by striking out the last three lines.

Mr. Dovel moved to amend the amendment by inserting after the word "State," in next to last line, the words "relative to such corporations,"

Which was not agreed to.

The motion to amend did not prevail.

The motion to strike out did not then prevail.

The section was then passed.

Mr. Withington moved to amend Sec. 7 by adding the words "to the amount of their stock respectively,"

Which motion prevailed.

The section was then passed.

Art. I. was passed.

Art. II. being under consideration,

Mr. Buell moved to amend Sec. 9, by inserting before the word "attorney," in last line, the words "agent or,"

Which motion prevailed.

Mr. Dovel moved to amend Sec. 14, by adding thereto the words "supported by affidavit or information in writing;"

Which motion did not prevail.

The article was then passed.

Article III. was passed.

Art. IV. being under consideration,

On motion of Mr. Hoyt,

Sec. 29 was amended by striking out the words "seventy-four," and inserting in lieu thereof the word "seventy-six."

Mr. Withington moved to strike out Sec. 24,

Which motion prevailed.

Mr. Lewis moved to amend the Sec. 22 by striking out subdivision 16,

Which motion did not prevail.

Mr. Smith moved to reconsider the vote by which the committee refused to amend Sec. 15, by striking out the word "four," and inserting the word "three" in lieu thereof,

Which motion did not prevail.

Mr. Rich moved to amend Sec. 3, by striking out the word "four" before the word "thousand," and inserting the word "six" in lieu thereof,

Which motion did not prevail.

Mr. Lewis moved to amend Sec. 22, by striking out the 13th subdivision,

Which motion did not prevail.

Mr. Speed moved to amend Sec. 22 by inserting in line 1 of the third subdi-

division, after the word "justice," the words, "other than those of a limited jurisdiction;"

Which motion did not prevail.

Mr. Lockwood moved to amend Sec. 2, by striking out the whole of the third subdivision.

Mr. Fancher moved to amend the subdivision by striking out the first line ;

Which motion prevailed.

The motion to strike out the subdivision did not prevail.

Mr. Welker moved to amend Sec. 15, by striking out after the word "to," in line 8, to the period in line 13, and inserting the words, "five dollars a day while traveling to and from the Capitol on the usually traveled route and the most speedy conveyance, and for every mile so traveled over and above two hundred miles, three cents per mile;"

Which motion did not prevail.

Art. IV. was then passed.

Art. V. was passed.

Art. VI. being under consideration,

Mr. Shaw moved to amend Sec. 2, by striking out in lines 1 and 2, the words "One chief justice, and four associate justices;"

Which motion prevailed.

Mr. Blackman moved to amend Sec. 8 by striking out lines 7, 8, 9 and 10 ;

Which motion did not prevail.

Art. VI. was then passed.

Art. VII. was passed.

Art. VIII. was passed.

Art. IX. was passed.

Art. X. being under consideration,

On motion of Mr. Shaw,

Sec. 5 was amended by inserting after the word "deeds," in line 2, the words "one or more circuit court commissioners."

Art. X. was then passed.

Art. XI. was then passed.

Art. XII. was passed.

Art. XIII. being under consideration,

On motion of Mr. Rich,

The following was agreed to, to stand as Sec. 4 :

SEC. 4. "The Boards of Control of the Reform School, the State Public School, and of the Agricultural College, shall be appointed by the Governor, by and with the consent of the Senate, but their duties shall be prescribed by law."

Mr. Lewis moved to amend Sec. 10 by adding at the end the words, "But all fines, penalties, forfeitures and recognizances collected at the expense of any city, shall belong to the funds of such city."

Which motion did not prevail.

Mr. Briggs moved to amend Sec. 10, by inserting after the word "be" in line 3, the words, "paid into the county treasury and."

Which motion prevailed.

The Article was then passed.

Art. XIV. was passed.

Art. XV. was passed.

Art. XVI. was passed.

Art. XVII. was passed.

Art. XVIII. was passed.

The Schedule was passed.

On motion of Mr. Brunson,

The committee rose and reported as follows:

#### REPORT OF COMMITTEE OF THE WHOLE.

The committee of the whole have had under consideration the proposed new Constitution entire, and have directed their chairman to report back to the House the following amendments, asking concurrence therein:

1. Amend Sec. 7, Art. II., by inserting after the word "by," in fifth line, the words, "not less than."

2. Amend Sec. 7, Art. II., by striking out, in seventh line, the word "two," and insert in lieu thereof the word "one."

3. Amend Sec. 10, Art. XI., by striking out of the ninth line the word "shall," and inserting in lieu thereof the word "may."

4. Amend Sec. 7, Art. XI., by adding to the end of the section the words: "to the amount of their stock, respectively."

5. Amend Sec. 9, Art. II., by inserting in the second line of the same, before the word "attorney," the words "agent or."

6. Amend Sec. 29, Art. IV., by striking out of third line of same the word "four" and insert in lieu thereof the word "six."

7. Amend Art. IV., by striking out all of Sec. 24.

8. Amend Art. IV., Sec. 22, by striking out of the third subdivision of the same the words "regulating the practice in courts of justice or."

9. Amend Sec. 2, Art. VI., by striking out of first and second line of same the words "one chief justice and four associate justices."

10. Amend Sec. 5 of Art. X. by inserting after the word "deeds" in the second line the words "one or more circuit court commissioners."

11. Amend Art. XIII. by inserting the following as Sec. 4 of said Article: "The boards of control of the Reform School, the State Public School, and of the Agricultural College, shall be appointed by the Governor, by and with the consent of the Senate, and their duties shall be prescribed by law."

12. Amend Art. XIII., Sec. 10, by inserting after the word "be" in the third line the words "paid into the county treasury and,"

And have directed their chairman to report back to the House as fully considered and approved the following Joint Resolutions:

1. Joint resolution proposing amendments to Art. I., and consolidating Articles I. and II. of the Constitution of the State of Michigan, relative to boundaries and seat of government.

2. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. II. of the same, entitled "Bill of rights."

3. Joint resolution proposing amendments to Art. III. of the Constitution of the State of Michigan, entitled Division of the powers of government.

4. Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative department.

5. Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled Executive department.

6. Joint resolution proposing amendments to Art. VI. of the Constitution of Michigan, entitled Judicial department.

7. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. VII., entitled Elective franchise.

8. Joint resolution proposing amendments to Art. VIII. of the Constitution of the State of Michigan, entitled State officers.

9. Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries.

10. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. X., entitled Municipal corporations.

11. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than Municipal.

12. Joint resolution proposing amendments to Art. XII. of the Constitution of the State of Michigan, entitled Impeachments and Removals from Office.

13. Joint resolution proposing amendments to Art. XIII. of the Constitution of the State of Michigan, entitled Education.

14. Joint resolution proposing amendments to Art. XIV. of the Constitution of the State of Michigan, entitled Finance and Taxation.

15. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XV., entitled Exemptions.

16. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVI., entitled Militia.

17. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled Miscellaneous Provisions.

18. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVIII., entitled, Amendment and Revision of the Constitution.

19. Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as the "Schedule" of the same;

Recommending that they now receive formally their first and second reading, and each, on a test majority vote, taken by yeas and nays, be placed on the order of third reading.

Report accepted and committee discharged.

On motion of Mr. Kipp,

The House concurred in the several amendments made by the committee.

The several named joint resolutions were read a first and second time by their titles, and,

On motion of Mr. Shaw,

The several named joint resolutions, except joint resolution No. VIII., entitled State officers,

Were laid on the table.

Mr. E. R. Miller moved that all rules limiting the time in which a motion for reconsideration may be made, be suspended;

Which motion prevailed.

Mr. Shaw moved to reconsider the vote by which the House struck out of joint resolution No. VIII., entitled State officers, all of Sec. 3;

Which motion prevailed.

The motion to strike out the section did not then prevail.

On motion of Mr. Shaw,

Sec. 1 was amended by striking out of line 3, the words "and an attorney general."

On motion of Mr. Shaw,

Joint resolution No. VIII., entitled State officers, was laid on the table.

Mr. Shaw offered the following:

*Resolved*, That the use of this House be given to the Michigan Pioneer Society April 22d ;

Which was adopted.

Mr. E. R. Miller offered the following :

*Resolved*, That the use of this hall be granted for a lecture on taxation of intoxicating liquors, by Rev. Thomas Stalker of Detroit, on Saturday evening next, in place of Friday evening, as heretofore granted ;

Which was adopted.

Mr. Gordon asked and obtained leave of absence until Monday noon.

On motion of Mr. F. Walker,

The House adjourned.

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*Lansing, Friday, March 13, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Cromack.

Roll called : quorum present.

Absent without leave : Mr. Eggleston.

Mr. Speed asked and obtained leave of absence for himself, Monday and Tuesday last.

Mr. Caplis asked and obtained leave of absence for Mr. Markey, indefinitely, on account of sickness.

#### PRESENTATION OF PETITIONS.

By Mr. Hertzler : Resolutions of the common council of the city of Monroe, relative to taxation of the liquor traffic.

Referred to the committee on State affairs.

The following are the resolutions :

*Resolved*, By the common council of the city of Monroe, that the Legislature now in session be and are hereby requested to make provision in the new Constitution for the submission to the people of a separate clause, looking to the placing of a tax on all persons engaged in selling spirituous liquors.

*Resolved*, That the clerk of this city forward a copy of the above to the Representative of this District, for presentation to the Legislature.

Passed in common council of the city of Monroe, March 10th, 1874.

Attest,

[L. S.]

JOHN DAVIS, *City Clerk.*

#### REPORTS OF STANDING COMMITTEES.

By the committee on ways and means :

"The committee on ways and means, who were instructed to report the amount of mileage due the members and officers of this House,

Respectfully report that they have had the same under consideration, and have directed me to report the following amounts to the House, and ask to be discharged from the further consideration of the subject :

	Miles.		Miles.
Mr. Ackley.....	104	Mr. Lewis.....	164
Armstrong.....	252	Lockwood.....	474
Baily.....	82	Luce.....	150
Blackman.....	216	Markey.....	170
Bottomley.....	358	E. R. Miller.....	190
Briggs.....	182	R. O. Miller.....	120
Brown.....	309	Mitchell.....	124
Brunson.....	50	Morse.....	166
Buell.....	1,110	Noyes.....	122
Burns.....	174	O'Dell.....	220
Cady.....	224	Parker.....	204
Caplis.....	174	Parsons.....	198
Carter.....	104	Perry.....	246
Chamberlain.....	330	Pierce.....	154
Climie.....	182	Priest.....	286
Cobb.....	193	Remer.....	292
Collins.....	230	Rich.....	310
Colwell.....	1,350	Ripley.....	142
Cook.....	188	Robinson.....	114
Curtis.....	206	Robertson.....	280
Dinturff.....	52	Rose.....	204
Dovell.....	268	Sanderson.....	120
Drake.....	184	Scott.....	130
Drew.....	90	Sessions.....	78
Edwards.....	174	Shaw.....	44
Fancher.....	270	Simpson.....	266
Ferguson.....	430	Smith.....	180
Fey.....	136	Speed.....	174
Garfield.....	182	Striker.....	170
Garvelink.....	294	Taylor.....	38
Gilmore.....	214	Thomas.....	230
Goodrich.....	114	Thompson.....	285
Gordon.....	234	Van Aken.....	166
Grant.....	154	Van Scoy.....	166
Green.....	500	A. Walker.....	54
Greusel.....	174	F. Walker.....	198
Haire.....	236	J. Walker.....	210
Harden.....	233	Walton.....	200
Harris.....	1,614	Warren.....	68
Haywood.....	454	Watkins.....	216
Hertzler.....	272	Welch.....	272
Hewitt.....	142	Welker.....	176
Hoar.....	1,504	West.....	314
Hosner.....	476	Wheeler.....	372
Howard.....	304	Withington.....	78
Hoyt.....	210	Wixon.....	346
Kellogg.....	112	Zimmerman.....	226
Kipp.....	228	Speaker.....	200
Knapp.....	108	D. L. Crossman, Clerk.....	28
Lamb.....	324	S. F. Cook, Journal Clerk.....	154



	Miles.		Miles.
W. H. Marston, Enrolling Clerk..	8	Nicholas Maniates, Messenger.....	80
L. M. Miller, Asst. Enrolling Cl'k	218	David Barry, Messenger.....	272
E. N. Fitch, Sergeant-at-Arms ...	232	V. W. Coryell, Messenger.....	2
H. A. Norton, Asst. Sergt.-at-Arms	226	Cromby S. Chesebro, Messenger..	232
B. D. Thompson, Asst. Fireman..	220	Volney Moreau, Messenger.....	60
Wm. Tomlinson, Keeper Cl'k R'm	174	Martin S. Frink, Messenger.....	154
Chas. H. Wells, Messenger.....	214	Geo. H. Voorhies, Clerk Jud. Com.	194
Frank Converse, Messenger .....	48		

JAMES BURNS, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pierce,

The report was adopted.

#### MOTIONS AND RESOLUTIONS.

Mr. Briggs moved to take from the table House Joint Resolution No. 13, entitled Education;

Which motion prevailed.

Mr. Briggs moved that the joint resolution be recommitted to the committee of the whole, with instruction to amend the same by inserting the words "if accepted" where they were stricken from Sec. 2.

Mr. Speed moved to amend the instruction so that the committee report in lieu of Sec. 2 the corresponding section of the present Constitution.

Mr. Edwards moved to lay the motion to recommit with instructions on the table.

Which motion did not prevail.

The motion to amend the instruction prevailed.

Mr. Withington moved to amend the motion to recommit by making the reference to the committee on education.

Which was accepted.

The motion to recommit with instructions then prevailed.

Mr. Greusel offered the following:

*Resolved* (the Senate concurring), That the Governor be and he is hereby authorized to appoint a competent and suitable person, to compile the manual for the use of the Legislature of 1875.

The said manual to contain the usual statistical and other information, and the compiler to receive such reasonable compensation as may be allowed by the Legislature; *Provided*, No compensation shall be allowed or paid, unless the work shall be completed and delivered to the State printers within five days after the organization of the Legislature.

Laid over for one day under the rules.

Mr. Thomas offered the following:

*Resolved*, That when the House adjourn to-day it be until Monday next at 2 o'clock P. M.

On the adoption of which,

Mr. J. Walker demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Edwards,	Mr. Knapp,	Mr. Smith,
Bailey,	Fancher,	Lewis,	Thomas,
Bartholomew,	Ferguson,	Mitchell,	Van Scoy,

Mr. Bottomley, Caplis, Cobb, Dinturff, Drew,	Mr. Grant, Greusel, Harden, Hertzler, Howard,	Mr. Parsons, Perry, Pierce, Rose,	Mr. F. Walker, Watkins, Welch, Withington,
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## NAYS.

Mr. Armstrong, Blackman, Briggs, Brown, Brunson, Buell, Burns, Chamberlain, Collins, Cook, Curtis, Dovell, Drake, Fey, Garfield,	Mr. Garvelink, Gilmore, Goodrich, Green, Haire, Harris, Haywood, Hewitt, Hosner, Hoyt, Kellogg, Kipp, Lamb, Lockwood, Luce,	Mr. E. R. Miller, R. C. Miller. Morse, O'Dell, Parker, Priest, Remer, Rich, Ripley, Robinson, Robertson, Sanderson, Sessions, Shaw, Simpson,	Mr. Speed, Striker, Taylor, Thompson, Van Aken, A. Walker, J. Walker, Walton, Warren, Welker, Wheeler, Wixson, Zimmerman, Speaker,
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Pending the announcement of the vote,

Mr. Hoyt moved that Mr. Speed be excused from voting:

Which motion did not prevail.

Mr. Speed then voted as recorded above.

Mr. Perry moved to take from the table,

House Joint Resolution No. 1., entitled

Joint resolution proposing amendments to Art. I., and consolidating Articles I. and II. of the Constitution of the State of Michigan, entitled Boundaries and seat of government;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Armstrong, Bailey, Bartholomew, Blackman, Bottomley, Briggs, Brown, Brunson, Buell, Burns, Caplis, Carter, Chamberlain, Cobb,	Mr. Fancher, Ferguson, Fey, Garfield, Garvelink, Gilmore, Goodrich, Grant, Green, Greusel, Haire, Harden, Harris, Haywood, Hertzler,	Mr. Lamb, Lewis, Lockwood, Luce, E. R. Miller, R. C. Miller, Mitchell, Morse, O'Dell, Parker, Perry, Pierce, Priest, Remer, Rich,	Mr. Simpson, Smith, Speed, Striker, Taylor, Thomas, Thompson, Van Aken, Van Scoy, A. Walker, F. Walker, J. Walker, Walton, Warren, Watkins,
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Mr. Collins,	Mr. Hewitt,	Mr. Ripley,	Mr. Welch,
Cook,	Hosner,	Robinson,	Welker,
Curtis,	Howard,	Robertson,	Wheeler,
Dinturff,	Hoyt,	Rose,	Withington,
Dovell,	Kellogg,	Sanderson,	Wixson,
Drake,	Kipp,	Sessions,	Zimmerman,
Drew,	Knapp,	Shaw,	Speaker,
Edwards,			

89

NAYS.

0

Mr. Withington moved to take from the table

House joint resolution No. II., entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. II. of the same, entitled Bill of rights;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

YEAS.

Mr. Ackley,	Mr. Ferguson,	Mr. Lewis,	Mr. Simpson,
Armstrong,	Fey,	Lockwood,	Smith,
Bailey,	Garfield,	Luce,	Speed,
Bartholomew,	Garvelink,	E. R. Miller,	Striker,
Blackman,	Gilmore,	R. C. Miller,	Taylor,
Briggs,	Grant,	Mitchell,	Thomas,
Brown,	Green,	Morse,	Thompson,
Brunson,	Greusel,	O'Dell,	Van Aken,
Buell,	Haire,	Parsons,	Van Scoy,
Burns,	Harden,	Perry,	A. Walker,
Caplis,	Harris,	Pierce,	F. Walker,
Carter,	Haywood,	Priest,	J. Walker,
Cobb,	Hertzler,	Remer,	Walton,
Collins,	Hewitt,	Rich,	Watkins,
Colwell,	Hosner,	Ripley,	Welch,
Cook,	Howard,	Robinson,	Welker,
Curtis,	Hoyt,	Robertson,	Wheeler,
Dinturff,	Kellogg,	Rose,	Withington,
Dovell,	Kipp,	Scott,	Wixson,
Drake,	Knapp,	Sessions,	Zimmerman,
Edwards,	Lamb,	Shaw,	Speaker,
Fancher,			

85

NAYS.

Mr. Chamberlain, Mr. Drew, Mr. Goodrich,

3

Mr. Hoyt moved to take from the table

House joint resolution No. III., entitled, joint resolution proposing amendments to Art. III. of the Constitution of the State of Michigan, entitled, Division of the powers of government;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Fancher,	Mr. Lamb,	Mr. Smith,
Armstrong,	Ferguson,	Lewis,	Speed,
Bailey,	Fey,	Luce,	Striker,
Bartholomew,	Garfield,	E. R. Miller,	Taylor,
Blackman,	Garvelink,	R. C. Miller,	Thomas,
Bottomley,	Gilmore,	Mitchell,	Thompson,
Briggs,	Goodrich,	Morse,	Van Aken,
Brown,	Grant,	O'Dell,	Van Scoy,
Brunson,	Green,	Parker,	A. Walker,
Buell,	Greusel,	Parsons,	F. Walker,
Burns,	Haire,	Perry,	J. Walker,
Carter,	Harden,	Pierce,	Walton,
Chamberlain,	Harris,	Priest,	Warren,
Cobb,	Haywood,	Rich,	Watkins,
Collins,	Hertzler,	Ripley,	Welch,
Colwell,	Hewitt,	Robinson,	Welker,
Cook,	Hosner,	Robertson,	Wheeler,
Curtis,	Howard,	Rose,	Withington,
Dintruff,	Hoyt,	Sanderson,	Wixson,
Dovell,	Kellogg,	Scott,	Zimmerman,
Drake,	Kipp,	Sessions,	Speaker,
Drew,	Knapp,	Shaw,	87

## NAYS.

Mr. Lockwood,

1

Mr. Watkins moved that the members be limited to five minutes in discussion.

Mr. F. Walker moved to amend the motion by making the time ten minutes; Which did not prevail.

Mr. Taylor moved to amend the motion by making the time three minutes.

Which motion did not prevail.

The motion to limit to five minutes then prevailed.

On motion of Mr. Lockwood,

House joint resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative Department,

Was taken from the table.

The question being on placing the joint resolution on the order of third reading,

Pending the vote thereon,

Mr. Withington moved that the rule requiring a vote of two-thirds of the members in order to amend in the House, be suspended;

Which motion prevailed, two-thirds of the members present voting therefor.

Mr. Briggs moved to refer Sec. 3 to the committees on State affairs and elections, with instructions to amend by striking out the words in italics, and insert in their place the following: "Every organized county with such territory as may be attached thereto, shall be entitled to a separate representative when it contains a population equal to a moiety of the ratio of representation."

Mr. Briggs demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays as follows:

## YEAS.

Mr. Baily,	Mr. Garfield,	Mr. Perry,	Mr. Van Aken,
Blackman,	Garvelink,	Pierce,	F. Walker,
Bottomley,	Gilmore,	Priest,	J. Walker,
Briggs,	Harden,	Robinson,	Walton,
Brown,	Hertzler,	Robertson,	Warren,
Burns,	Hewitt,	Sanderson,	Watkins,
Carter,	Knapp,	Scott,	Welch,
Chamberlain,	E. R. Miller,	Sessions,	Welker,
Collins,	Mitchell,	Simpson,	Withington,
Curtis,	Noyes,	Smith,	Zimmerman,
Drake,	O'Dell,	Taylor,	Speaker,
Drew,	Parsons,	Thomas,	

47

## NAYS.

Mr. Ackley,	Mr. Fancher,	Mr. Howard,	Mr. Rich,
Armstrong,	Ferguson,	Hoyt,	Ripley,
Bartholomew,	Fey,	Kellogg,	Rose,
Brunson,	Goodrich,	Kipp,	Shaw,
Buell,	Grant,	Lamb,	Speed,
Caplis,	Green,	Lewis,	Striker,
Cobb,	Greusel,	Lockwood,	Thompson,
Colwell,	Haire,	R. C. Miller,	Van Scoy,
Cook,	Harris,	Morse,	A. Walker,
Dinturff,	Haywood,	Parker,	Wheeler,
Dovell,	Hosner,	Remer,	Wixson,
Edwards,			

45

On motion of Mr. Lockwood, Sec. 7 was stricken out, and the following inserted in lieu thereof:

"SEC. 7. Senators and Representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either house."

Mr. Hoyt moved that Sec. 14 be referred to the committee on judiciary, with instructions to amend the same by striking out the words "a law" wherever they occur, and inserting the word "operative" in lieu thereof;

Which motion prevailed.

Mr. Speed moved that Sec. 15 be referred to the committee on ways and means, with instructions to amend by striking out the word "four," in line 1, and inserting the word "three" in lieu thereof.

Mr. Speed demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays follows:

## YEAS.

Mr. Bailey,	Mr. Garfield,	Mr. Knapp,	Mr. Scott,
Bottomly,	Gilmore,	Lamb,	Smith,
Briggs,	Goodrich,	Luce,	Speed,
Brown,	Greusel,	E. R. Miller,	Striker,
Carter,	Harden,	Mitchell,	Taylor,
Collins,	Hewitt,	Perry,	Van Scoy,

Mr. Curtis, Dovell, Drake, Edwards,	Mr. Hosner, Howard, Kellogg, Kipp,	Mr. Pierce, Priest, Robinson, Sanderson,	Mr. J. Walker, Walton, Welker, Speaker,	40
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## NAYS.

Mr. Ackley, Armstrong, Bartholomew, Blackman, Brunson, Buell, Burns, Caplis, Chamberlain, Cobb, Colwell, Cook,	Mr. Drew, Fancher, Ferguson, Fey, Garvelink, Grant, Green, Haire, Harris, Haywood, Hoyt, Lewis,	Mr. Lockwood, R. C. Miller, Morse, O'Dell, Parker, Parsons, Remer, Rich, Ripley, Robertson, Rose, Sessions,	Mr. Shaw, Simpson, Thomas, Thompson, A. Walker, F. Walker, Warren, Watkins, Wheeler, Withington, Wixson, Zimmerman, 48
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Pending the consideration of the joint resolution,

On motion of Mr. Thomas,

The House took a recess until 2 o'clock this afternoon.

## AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Speed, by unanimous consent, offered the following:

*Resolved* (the Senate concurring), That when either House shall pass any article to a third reading, it be referred to the joint committee on arrangement and phraseology, with liberty to have the same printed; that said committee ascertain wherein the two Houses agree and disagree in their respective amendments, and report to each House accordingly; that where the two Houses are unable to agree upon any amendment, it be referred to a committee of conference on such amendment, and when both Houses shall have finally agreed upon a complete instrument, that it be printed entire and referred to the committee on arrangement and phraseology for correction, prior to final action, and that committee have leave to report at any time.

On motion of Mr. Speed,

The rules were suspended, and the resolution was adopted.

Mr. Welch asked and obtained leave of absence for Mr. Hertzler indefinitely, on account of sickness.

Mr. Thomas asked leave of absence for himself for to-morrow.

Leave was not granted.

Mr. Ferguson asked and obtained leave of absence for himself indefinitely, on account of sickness.

Mr. Gilmore asked and obtained leave of absence for himself for the first week of the present session.

## COMMUNICATIONS FROM STATE OFFICERS.

The Speaker announced the following :

AUDITOR GENERAL'S OFFICE, }  
Lansing, March 12, 1874. }

Hon. C. M. CROSWELL, *Speaker of the House of Representatives :*

DEAR SIR—Under this date is received a notice of the passage of the following resolution of March 9, 1874, by the House of Representatives :

*Resolved,* That the Auditor General be requested to furnish the House with information as to the amounts paid for professional legal services rendered the State during the year 1873, and up to the present time, except the salary of the Attorney General.

In reply to said resolution, I have to state, that there has been paid to attorneys, other than the Attorney General, employed by the State to appear for the People, \$1,500. This amount was paid to attorneys retained and employed in the case of Charles R. Tucker *et al.* vs. Nelson Furgeson *et al.*, supervisors, etc. The case was brought by complainants to restrain the defendants, supervisors of several townships in Osceola county, from levying and collecting taxes upon lands known as Railroad lands, and the bills were paid upon accounts rendered by the attorneys, approved by the Governor, and audited by the State Board of Auditors.

Respectfully yours,

WM. HUMPHREY, *Auditor General.*

The communication was laid on the table.

## REPORTS OF STANDING COMMITTEES.

By the committee on education :

The committee on education, to whom was referred joint resolution No. XIII., entitled,

Joint resolution proposing amendments to Art. XIII. of the Constitution of the State of Michigan, entitled Education,

With instructions to reinstate the provisions of the present Constitution relative to the control of the University funds,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, and ask to be discharged from the further consideration of the subject.

A. K. WARREN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Cady,

The House concurred in the amendments made to the joint resolution by the committee.

On motion of Mr. Warren,

The joint resolution was laid on the table.

By the committee on judiciary :

The committee on judiciary, to whom was referred

House joint resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative department ;

With instructions to strike out the words "a law" where they occur, and introduce the original word "operative" in their place ;

Respectfully report that they have had the same under consideration, and

have directed me to report the same back to the House, with the accompanying amendment, and recommend that the amendment be concurred in, and that the joint resolution when so amended do pass, and ask to be discharged from the further consideration of the subject.

HENRY A. SHAW, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Hoyt,

The House concurred in the amendments made to the joint resolution by the committee.

The joint resolution being under consideration when the House took a recess, it was resumed.

Mr. Buell moved to reconsider the vote by which the House refused to strike out the word "four," in line 1 of Sec. 19, and inserting the word "three" in lieu thereof.

Mr. J. Walker demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays as follows:

#### YEAS.

Mr. Bailly,	Mr. Garfield,	Mr. Luce,	Mr. Smith,
Briggs,	Gilmore,	Mitchell,	Speed,
Brown,	Goodrich,	Morse,	Striker,
Buell,	Grensel,	Perry,	Taylor,
Carter,	Harris,	Pierce,	Van Scoy,
Colwell,	Hewitt,	Priest,	J. Walker,
Curtis,	Hosner,	Robinson,	Walton,
Dovell,	Howard,	Sanderson,	Welch,
Edwards,	Kellogg,	Scott,	Speaker,
Fancher,	Kipp,		

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#### NAYS.

Mr. Ackley,	Mr. Drake,	Mr. Lewis,	Mr. Shaw,
Armstrong,	Drew,	Lockwood,	Simpson,
Bartholomew,	Ferguson,	E. R. Miller,	Thomas,
Blackman,	Fey,	R. O. Miller,	Thompson,
Bottomley,	Garvelink,	O'Dell,	A. Walker,
Brunson,	Grant,	Parker,	F. Walker,
Burns,	Green,	Parsons,	Warren,
Cady,	Haire,	Remer,	Watkins,
Caplis,	Harden,	Rich,	Welker,
Chamberlain,	Haywood,	Ripley,	Wheeler,
Cobb,	Hoyt,	Robertson,	Withington,
Collins,	Knapp,	Rose,	Wixson,
Cook,	Lamb,	Sessions,	Zimmerman,
Dinturff,			

53

Mr. Grensel moved to amend Sec. 19, by striking out all after the word "house," in line 6,

Which motion prevailed.

Mr. Shaw moved to amend the section by striking out in line 5, the words "in case of some emergency to be stated in the act."

Mr. Grant moved to amend the motion by striking out the words "in case



of some emergency," in line 5, and inserting in lieu thereof the words "for reasons;"

Which was accepted.

The motion to amend then prevailed.

Mr. Rose moved to amend Sec. 22 by striking out of the second subdivision the words "or places,"

Which motion did not prevail.

On motion of Mr. Perry,

The following was agreed to, to stand as subdivision 19 of Sec. 22:

"Altering the boundaries of any school district." The present subdivision 19 to stand as subdivision 20.

Mr. Lockwood moved to strike out Sec. 22.

Mr. Ripley moved to amend the section by striking out subdivision 14.

Which motion did not prevail.

The motion to strike out did not prevail.

Mr. Greusel moved to strike out the whole of Sec. 36, and insert in lieu thereof the following:

At the election when this amended constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following proposition, to be added, in case of its adoption, to Sec. 47 of Article IV. in the present constitution of this State, as it now stands, and to Sec. 36 of Article IV. in said amended constitution, if the latter is adopted, viz.:

An annual tax of not less than two hundred dollars is imposed upon the traffic in intoxicating liquors, to be paid by every person or firm who shall carry on or be engaged in the business of selling or disposing of such liquors otherwise than for medicinal, chemical and mechanical purposes, for each place where such business is carried on by such person or firm. Said tax shall be paid into the treasury of the proper township, city, or village, and be applied by the proper authorities to the support of the poor therein, so far as may be necessary, and the residue appropriated as the legislature shall provide. The sale or other disposition of such liquors to minors, persons under guardianship, insane and idiotic persons, paupers and common drunkards, is wholly prohibited. Every person who shall carry on or engage in the business or traffic taxed as aforesaid in this section, without having first paid the tax imposed, or otherwise violated any provision of this section, shall be guilty of a misdemeanor, and, on conviction, be punished by fine or imprisonment, or both, as may be prescribed by law, and every sale until the tax is paid subject the party to such penalty; and all necessary laws shall be passed to enforce the provisions of this section. The legislature may further regulate and restrict the sale and other disposition of intoxicating liquors; and may increase the annual tax upon said traffic in any locality.

Said proposition shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box. Upon the ballots given for said proposition, shall be written, printed, or partly written and partly printed, the words, "Restriction and taxation of the liquor traffic—Yes;" and upon the ballots given against the adoption thereof, in like manner, the words, "Restriction and taxation of the liquor traffic—No."

If at said election a majority of the votes given upon said proposition shall contain the words "Restriction and taxation of the liquor traffic—Yes," then

said proposition shall be added to Sec. 47 in Article IV. of the present Constitution, and to Sec. 36 in Article IV. of said amended Constitution, if the latter is adopted.

Mr. Greusel demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Colwell,	Mr. Harris,	Mr. Rose,
Bailey,	Dinturff,	Haywood,	Sanderson,
Bartholomew,	Dovell,	Hosner,	Shaw,
Bottomley,	Drew,	Lamb,	Thompson,
Brown,	Edwards,	Lockwood,	Van Scoy,
Buell,	Fey,	Mitchell,	Watkins,
Caplis,	Goodrich,	Morse,	Withington,
Carter,	Grant,	Perry,	Zimmerman,
Cobb,	Greusel,	Remer,	35

## NAYS.

Mr. Armstrong,	Mr. Garvelink,	Mr. R. O. Miller,	Mr. Speed,
Blackman,	Gilmore,	O'Dell,	Taylor,
Briggs,	Green,	Parker,	Thomas,
Bruuson,	Haire,	Parsons,	Van Aken,
Burns,	Harden,	Pierce,	A. Walker,
Cady,	Hewitt,	Priest,	F. Walker,
Chamberlain,	Howard,	Rich,	J. Walker,
Collins,	Hovt,	Ripley,	Walton,
Cook,	Kellogg,	Robinson,	Warren,
Curtis,	Kipp,	Robertson,	Welch,
Drake,	Knapp,	Scott,	Welker,
Fancher,	Lewis,	Sessions,	Wheeler,
Ferguson,	Luce,	Simpson,	Wixson,
Garfield,	E. R. Miller,	Smith,	Speaker, 56

Mr. Speed moved that Sec. 36 be referred to the committee on judiciary, with instructions to report a plan for separate submission of the same to the vote of the people.

Mr. Speed demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Hosner,	Mr. Sanderson,
Baily,	Drew,	Howard,	Scott,
Bartholomew,	Edwards,	Lamb,	Shaw,
Bottomley,	Fey,	Lewis,	Speed,
Buell,	Garfield,	Lockwood,	Taylor,
Burns,	Gilmore,	Mitchell,	Van Scoy,
Caplis,	Goodrich,	Morse,	Watkins,
Carter,	Grant,	Perry,	Withington,
Cobb,	Greusel,	Remer,	Zimmerman,
Colwell,	Harris,	Rose,	Speaker,
Dinturff,	Haywood,		42

## NAYS.

Mr. Armstrong,	Mr. Garvelink,	Mr. O'Dell,	Mr. Thompson,
Blackman,	Green,	Parsons,	Van Aken,
Briggs,	Haire,	Pierce,	A. Walker,
Brown,	Harden,	Priest,	F. Walker,
Brunson,	Hewitt,	Rich,	J. Walker,
Cady,	Hoyt,	Ripley,	Walton,
Chamberlain,	Kellogg,	Robinson,	Warren,
Collins,	Kipp,	Robertson,	Welch,
Cook,	Knapp,	Sessions,	Welker,
Curtis,	Luce,	Simpson,	Wheeler,
Drake,	E. R. Miller,	Smith,	Wixson,
Fancher,	R. C. Miller,	Striker,	

47

Pending the announcement of the vote,

Mr. Warren moved that Mr. Parsons be excused from voting ;

Which motion did not prevail.

Mr. Parsons then voted as recorded above.

Mr. Taylor moved that the following be inserted in the joint resolution, to stand as Sec 36 :

No member of the Legislature shall accept or use a free pass of any railroad company during any session of the Legislature.

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and pending the taking of the vote,

Mr. Perry moved to amend the proposed section, by adding at the end the words "or accept any other gift from any person whatsoever ;"

Which was withdrawn.

Mr. Ripley moved to amend the proposed section, by adding at the end the words "in case the conductor refuses to receive the pay for his passage, the member shall leave the car."

Mr. Greusel demanded the previous question ;

The demand was seconded, and the main question ordered.

The motion to amend the proposed section then prevailed.

The proposed section was not then agreed to, by yeas and nays, as follows :

## YEAS.

Mr. Brown,	Mr. Gilmore,	Mr. Taylor,	Mr. Warren,
Dovell,	Lamb,	Van Aken,	Welker,
Drake,	Morse,	J. Walker,	Withington,
Drew,	O'Dell,	Walton,	Speaker,
Fancher,	Sanderson,		

18

## NAYS.

Mr. Ackley,	Mr. Dinturff,	Mr. Kellogg,	Mr. Scott,
Armstrong,	Edwards,	Kipp,	Sessions,
Baily,	Ferguson,	Knapp,	Shaw,
Bartholomew,	Fey,	Lewis,	Simpson,
Blackman,	Garfield,	Luce,	Smith,
Bottomley,	Garvelink,	E. R. Miller,	Speed,
Briggs,	Goodrich,	R. C. Miller,	Striker,
Brunson,	Grant,	Mitchell,	Thompson,
Buell,	Green,	Parsons,	Van Scoy,
Burns,	Greusel,	Perry,	A. Walker,

Mr. Cady,	Mr. Haire,	Mr. Pierce,	Mr. F. Walker,
Caplis,	Harden,	Priest,	Watkins,
Chamberlain,	Haywood,	Remer,	Welch,
Cobb,	Hewitt,	Rich,	Wheeler,
Colwell,	Hosner,	Ripley,	Wixson,
Cook,	Howard,	Robertson,	Zimmerman,
Curtis,	Hoyt,	Rose,	67

Pending the announcement of the vote,

Mr. Buell moved that Mr. Sessions be excused from voting ;

Which motion did not prevail.

Mr. Sessions then voted as recorded above.

Pending the announcement of the vote,

Mr. F. Walker moved that Mr. Bottomley be excused from voting ;

Which motion did not prevail.

Mr. Bottomley then voted as recorded above.

Pending the announcement of the vote,

Mr. O'Dell moved that Mr. Chamberlain be excused from voting ;

Which motion did not prevail.

Mr. Chamberlain then voted as recorded above.

Pending the announcement of the vote,

Mr. Luce moved that Mr. Drake be excused from voting :

Which motion did not prevail.

Mr. Drake then voted as recorded above.

Pending the announcement of the vote,

Mr. Van Aken moved that Mr. Welch be excused from voting ;

Which motion did not prevail.

Mr. Welch then voted as recorded above.

By the committees on elections and State affairs, by unanimous consent reported as follows :

The committees on elections and State affairs, to whom was referred House joint resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative department,

With instructions to amend Sec. 3, so as to provide for the apportionment of Representatives substantially on the same basis as that contained in the present Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, and ask to be discharged from the further consideration of the subject.

JAMES BURNS,

*Chairman Committee Elections.*

S. H. BLACKMAN,

*Chairman Committee State Affairs.*

Report accepted and committee discharged.

On motion of Mr. Blackman,

The House concurred in the amendments made to the joint resolution by the committee.

The question being on placing the joint resolution on the order of third reading,

It was not so ordered, by yeas and nays, as follows :

## YEAS.

Mr. Baily,	Mr. Cook,	Mr. O'Dell,	Mr. Sessions,
Bartholomew,	Curtis,	Parsons,	Shaw,
Blackman,	Drake,	Perry,	Simpeon,
Bottomley,	Drew,	Pierce,	Striker,
Briggs,	Garfield,	Priest,	Taylor,
Brown,	Garvelink,	Rich,	F. Walker,
Burns,	Harden,	Ripley,	J. Walker,
Cady,	Hewitt,	Robinson,	Warren,
Carter,	Kipp,	Robertson,	Welker,
Chamberlain,	Knapp,	Sanderson,	Withington,
Collins,	Mitchell,	Scott,	43

## NAYS.

Mr. Ackley,	Mr. Fey,	Mr. Kellogg,	Mr. Thompson,
Armstrong,	Gilmore,	Lamb,	Van Aken,
Brunson,	Goodrich,	Lewis,	Van Scoy,
Buel,	Grant,	Lockwood,	A. Walker,
Caplis,	Green,	Luce,	Walton,
Cobb,	Grusel,	R. C. Miller,	Watkins,
Colwell,	Haire,	Morse,	Welch,
Dinturff,	Harris,	Parker,	Wheeler,
Dovell,	Haywood,	Remer,	Wixson,
Edwards,	Hosner,	Rose,	Zimmerman,
Fancher,	Howard,	Speed,	Speaker,
Ferguson,	Hoyt,		46

On motion of Mr. Grant,

The joint resolution was laid on the table.

Mr. Grant asked and obtained leave of absence for himself until Monday.

Mr. Remer asked leave of absence for himself until Monday noon.

Leave was not granted.

Mr. Buell moved that when the House adjourn, it be until 2 P. M. on Monday next.

Mr. Fey moved to lay the motion on the table;

Which motion did not prevail.

On the question of adjournment,

Mr. Welker demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Ferguson,	Mr. Lockwood,	Mr. Shaw,
Bailey,	Goodrich,	R. C. Miller,	Smith,
Bartholomew,	Grant,	Mitchell,	Speed,
Bottomly,	Grusel,	Morse,	Striker,
Buell,	Harden,	Parker,	Taylor,
Cady,	Harris,	Parsons,	Van Scoy,
Caplis,	Hewitt,	Perry,	A. Walker,
Carter,	Howard,	Pierce,	F. Walker,
Cobb,	Hoyt,	Remer,	Warren,
Colwell,	Kellogg,	Rose,	Watkins,
Dinturff,	Knapp,	Sanderson,	Welch,

Mr. Edwards, Fancher,	Mr. Lewis,	Mr. Scott,	Mr. Zimmerman, 50
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## NAYS.

Mr. Armstrong, Blackman, Briggs, Brown, Brunson, Burns, Chamberlain, Collins, Cook, Curtis, Dovell,	Mr. Drake, Drew, Fey, Garfield, Garvalink, Gilmore, Green, Haire, Haywood, Hosner, Kipp,	Mr. Lamb, Luce, E. R. Miller O'Dell, Priest, Rich, Ripley, Robinson, Robertson, Sessions,	Mr. Simpson, Thompson, Van Aken. J. Walker, Walton, Welker, Wheeler, Withington, Wixson, Speaker. 42
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The Speaker called the Speaker *pro tem.* to the chair.

Mr. Croswell then asked leave of absence for the balance of this extra session.

Pending action on granting the same,

Mr. Buell moved to reconsider the vote by which the House agreed to adjourn from the session of to-day until Monday.

Which motion prevailed.

The motion to adjourn until Monday did not then prevail.

The request for leave of absence of Mr. Croswell was then withdrawn.

Mr. Rorer asked leave of absence for himself until Monday evening next.

Pending which,

On motion of Mr. Withington,

The House adjourned.

*Lansing, Saturday, March 14, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Wood.

Roll called: quorum present.

Absent without leave, Messrs. Thomas and Eggleston.

Mr. Welch asked and obtained leave of absence for Mr. Parsons indefinitely, on account of sickness.

Mr. R. C. Miller asked and obtained leave of absence for himself until Monday noon.

Mr. A. Walker asked and obtained leave of absence for Mr. Scott indefinitely on account of sickness.

Mr. Goodrich asked and obtained leave of absence for himself for Monday next.

Mr. Remer asked and obtained leave of absence for himself until Tuesday next.

Mr. Noyes asked and obtained leave of absence for himself until Monday noon.

## PRESENTATION OF PETITIONS.

By Mr. Greusel: Resolutions of the Common Council of the city of Detroit relative to taxation of railroad property for municipal purposes.

Referred to the committees on ways and means and railroads jointly.

The following are the resolutions:

Resolution presented to the Common Council Tuesday, March 10, 1874, and unanimously adopted:

WHEREAS, One-twentieth part of the taxable property, and probably one-fourth of the available river front of the city is owned by railroad corporations, which pay no city taxes; and

WHEREAS, Our fire and police departments extend protection over the property of said corporations, and the cost of maintaining said departments during the past year was \$234,371 26; and

WHEREAS, The Legislature has seemingly stood in awe of something in the Constitution of the State when appealed to on the subject; therefore

*Resolved*, That as the Legislature is now in session for the purpose of making a revision of the Constitution, we call upon our representatives to secure the passage of such amendments as will enable us to secure just and equitable legislation on the subject.

*Resolved*, That we do not recommend an alteration of the present State Constitution, so far as to subject the property of railroads to taxation for general purposes, but we earnestly recommend such an amendment to section 14, of the present Constitution, as to allow a portion of the specific State taxes to be applied to municipal purposes when any considerable portion of the property of railroad corporations lies within the limits of the city or incorporated village, and has the benefit of the protection of municipal institutions. Adopted.

CHAS. H. BORGMAN, *City Clerk*.

By Mr. Bartholomew: Petition of Mr. D. P. Mayhew, G. B. Stebbins, Miss Frances B. Clark, Miss Lizzie F. Ward, and 87 others of Detroit, in favor of female suffrage.

Referred to the committee on elections and State affairs jointly.

## REPORTS OF STANDING COMMITTEES.

By the committees on State affairs and elections:

The committees on State affairs and elections, to whom was referred

Joint resolution proposing an amendment to Sec. 1 of Article VII. of the Constitution, in relation to the qualification of electors,

Respectfully report that they have had the same under consideration, and have directed us to report the same back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

The reasons which have influenced the committee in recommending an amendment so radical and sweeping in the changes which it will create, if finally adopted by the people, are briefly these:

The question of granting the right of suffrage to women equally with men, is one that has been seriously and widely agitated for years; and while, like other political reforms which change in any considerable degree the old and established order of things, it has met with strong opposition, on the other hand it has been ably advocated by men and women, distinguished alike for their intellectual ability and their excellent judgment.

Although we believe that there should be certain necessary and proper restrictions to the exercise of the elective franchise, we are of the opinion that

there are reasonable grounds to doubt whether the distinction of sex in the matter of voting is not in a large measure, a fictitious one. The interests of women in all matters pertaining to good government are certainly identical with those of men. In the matter of property their rights conceded by law are equal, and in some respects superior, to those of men; and if the principle of no taxation without representation is a just one as applied among men, it would seem that it might in justice be extended to women. As the reasons given above are strongly urged by the advocates of woman's suffrage, and as several petitions, numerous signed by citizens of the State, asking for some action on the part of the House in this matter, are in the hands of the committee, we have deemed it advisable, although not equally agreed as to the main question involved, to recommend the passage of the resolution by the House, in order that the people of the State may have an opportunity of expressing their will at the ballot-box, as to the expediency of extending the right of suffrage to women.

SAM'L H. BLACKMAN,

*Chairman of Com. on State Affairs.*

JAMES BURNS,

*Chairman of Committee on Elections.*

Report accepted and committee discharged.

The joint resolution was ordered printed in the journal, referred to the committee of the whole, and placed on the general order.

The following is the joint resolution:

Joint resolution proposing an amendment to Sec. 1 of Art. VII. of the Constitution, in relation to the qualifications of electors.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That at the election when the amended Constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following propositions, to be substituted in case of adoption, for so much of Sec. 1 of Art. VII. as precedes the proviso therein, in the present Constitution of this State as it now stands, and substituted for Sec. 1, Art. VII., in said amended Constitution, if the latter is adopted, to wit:

SECTION 1. In all elections, every person of the age of twenty-one years who shall have resided in this State three months, and in the township or ward in which he or she offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

*First*—Every citizen of the United States;

*Second*—Every inhabitant of this State who shall have resided in the United States two years and six months, and declared his or her intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election;

*Third*—Every inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Said proposition shall be separately submitted to the electors of this State, for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box.

Upon the ballots given for said proposition shall be written or printed, or partly written and partly printed, the words "Woman suffrage,—Yes;" and



upon the ballots given against the adoption thereof, in like manner, the words "Woman suffrage,—No."

If, at said election, a majority of the votes given upon said proposition shall contain the words "Woman Suffrage—Yes," then said proposition shall be substituted for so much of Sec. 1 of Article VII. as includes the proviso therein in the present Constitution of this State as it now stands, or substituted for Sec. 1 of Article VII. in said amended Constitution, if the latter is adopted.

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#### REPORTS OF SPECIAL COMMITTEES.

The joint committee of the Senate and House, appointed to draft resolutions upon the death of Senator Sumner, have duly considered the duty confided to them, and respectfully report the following:

*In Memoriam,*

CHARLES SUMNER.

DIED MARCH 11, 1874.

WHEREAS, The Legislature of Michigan has heard, with profound sorrow, of the death of Hon. Charles Sumner, United States Senator from Massachusetts; therefore,

*Resolved by the Senate and House of Representatives,* That, occupying as he has a foremost place in the history of this country for the past quarter of a century, Charles Sumner stands forth in that history a man of grand intellectual power, great learning, and exalted character, whose every labor and almost every thought were devoted to the service of his country. An opponent of slavery from his youth, a champion of freedom, whose standard never for a moment wavered,—a great Statesman whose mind has left its impress upon the legislation and public sentiment of the country, and whose record is as clear and spotless as it is conspicuous, we contemplate his career with pride and admiration, and deeply lament its close.

*Resolved,* That as a mark of respect for the illustrious dead the National flag be displayed at half-mast until the day of the funeral.

*Resolved,* That the foregoing resolutions be ordered engrossed, signed by the presiding officers of the two Houses of this Legislature, and the Governor be requested to transmit the same to the Governor and General Court of the Commonwealth of Massachusetts.

We recommend that the resolutions be adopted by a rising vote in the respective Houses, and ask to be discharged from the further consideration of the subject.

H. H. HINDS,  
C. V. DELAND,  
W. F. HEWITT,

*Committee on the part of the Senate.*

W. H. WITHINGTON,  
JAMES CAPLIS,  
A. J. DOVELL,  
H. D. EDWARDS,  
GILBERT STRIKER,

*Committee on the part of the House.*

Report accepted and committee discharged.

Pending the adoption of the report,

Mr. Withington addressed the House as follows:

MR. SPEAKER—I will not occupy the time of the House in any extended remarks, but I should not do justice to my own feelings, or feel quite true to the State which bore me, if I let the occasion pass without a word. I am the more moved to this because some things in Mr. Sumner's course for the past two years have tended to alienate him somewhat from his old political associates and admirers. However much of such alienation or estrangement may have existed when we recall the past, when we consider what he was and what he has done, this feeling will all vanish, and the sense of his worth, and our loss, will deepen as we contemplate it. How he is held in the hearts of the colored people we know, and even from the people of the South, formerly so hostile to him, and who a few years ago would have received the news of his death with joy, come expressions of regret, and testimony that he was a great statesman, an honest man, and as he forgave them, so they long ago forgave him. Thus the sorrow is universal, and when his remains are conveyed to their last resting-place, I tell you, sir, the great heart of the nation will beat heavily at the portals of his tomb.

MR. SPEAKER—The age or the country which produced such a man as Charles Sumner may well feel proud of him. They are not the product of every age. He challenges attention by the contrast between the grandeur of his powers and the lowliness of the race for whom they were chiefly expended. We see in him a man of rich natural endowments, great breadth and depth of culture and attainments, and high social position, all consecrated to the redemption of a despised and downtrodden race. An aristocrat, as we should say,—certainly aristocratic in birth, culture, and taste,—he makes the civil rights of the lowest order in our body politic the object of his earliest and latest efforts. Taking up their cause under obloquy and scorn, and pursuing it with a steadfastness which wearied out many who started with him, but which, in the order of his mind, could not cease until the logical and ultimate end was attained.

But it is not alone as an anti-slavery champion that he stands before the country. Upon almost every great subject of legislation his voice has been heard, and his influence felt; and wherever there was a balancing between expediency and right, no doubt ever existed where Charles Sumner would stand.

High as he has been held by his cotemporaries, his reputation is one which will grow with coming years. Defects will be forgotten, and the qualities which have challenged the admiration even of his opponents will stand boldly out in history. His exhaustive and statesmanlike discussion of every subject will cause his speeches, like Burke's, to be read and admired by the student as long as the English language is read.

Mr. Sumner's very appearance was indicative of his greatness. Majestic in figure, feature, and voice, who that has seen him rise in his place to address the Senate, but has instinctively felt he was a very Saul among his associates,—head and shoulders above them all?

Mr. Speaker, I think this House will do itself honor by joining its tribute with the voice which is coming from all parts of the country in honor of the dead.

The resolutions were then unanimously adopted by a rising vote.

## MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 12, 1874.

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to inform the House that Senators Crosby and McGowan have been appointed a committee on the part of the Senate, to act with a like committee on the part of the House on arrangement and phraseology of the constitution.

Very Respectfully,  
JAMES H. STONE,  
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 13, 1874.

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following concurrent resolution:

*Resolved* (the Senate concurring), That a committee of five on the part of the House, to act with a committee on the part of the Senate, be appointed to draft appropriate resolutions on the death of Hon. Millard Fillmore and Hon. Morgan Bates.

In the passage of which the Senate has concurred, and to inform the House that Senators Wilber, Mitchell and Beattie have been appointed such committee on the part of the Senate.

Very respectfully,  
JAS. H. STONE,  
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 13, 1874.

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following concurrent resolution:

*Resolved* (the Senate concurring), That a committee of five on the part of the House, to act with a like committee on the part of the Senate, be appointed to draft resolutions upon the death of the Hon. Charles Sumner.

In the passage of which the Senate has concurred.

And to inform the House that Senators Hinds, DeLand, and Hewitt have been appointed as such committee on the part of the Senate.

Very respectfully,  
JAMES H. STONE,  
Secretary of the Senate.

The message was laid on the table.

## MOTIONS AND RESOLUTIONS.

Mr. Hoyt moved to take from the table

House Joint Resolution No. 4, entitled,

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative Department;

Which motion prevailed.

Mr. Hoyt moved to reconsider the vote by which the House refused to order the joint resolution to a third reading;

Which motion prevailed.

The question being on ordering the joint resolution to a third reading,

On motion of Mr. Hoyt,

The joint resolution was laid on the table.

Mr. Perry moved to take from the table

House Joint Resolution No. 5, entitled

Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled Executive department;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Drake,	Mr. Knapp,	Mr. Shaw,
Armstrong,	Drew,	Lamb,	Smith,
Bailey,	Edwards,	Lewis,	Speed,
Bartholomew,	Fancher,	Luce,	Striker,
Blackman,	Fey,	E. R. Miller,	Taylor,
Bottomley,	Garfield,	R. C. Miller,	Thompson,
Briggs,	Garvelink,	Mitchell,	Van Aken,
Brown,	Gilmore,	Morse,	Van Scoy,
Brunson,	Goodrich,	O'Dell,	A. Walker,
Buell,	Green,	Parker,	F. Walker,
Burns,	Greusel,	Perry,	J. Walker,
Cady,	Haire,	Pierce,	Walton,
Caplis,	Harden,	Priest,	Warren,
Carter,	Haywood,	Rich,	Watkins,
Chamberlain,	Hewitt,	Ripley,	Welker,
Cobb,	Hosner,	Robinson,	Wheeler,
Collins,	Howard,	Robertson,	Withington,
Culwell,	Hoyt,	Rose,	Wixson,
Cook,	Kellogg,	Sanderson,	Zimmerman,
Curtis,	Kipp,	Sessions,	Speaker,
Dinturff,			

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#### NAYS.

Mr. Lockwood,

1

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Garfield moved to take from the table

House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI. of the Constitution of Michigan, entitled Judicial department;

Which motion prevailed.

Mr. Speed moved to amend the joint resolution by striking out Sec. 2, and inserting the following in lieu thereof:

SEC. 2. The supreme court is continued subject to the provisions of this article. The legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of

judges so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years.

Mr. Ripley moved to amend the amendment by adding thereto the words, "A judge of the supreme court may be assigned to hold a circuit court in cases provided by law;"

Which was agreed to.

The motion to amend then prevailed.

Mr. Speed moved to amend Sec. 8, by adding after the word "jurisdictions" in line 10 the words, "and in other cases provided by law."

Which motion prevailed.

Mr. Buell moved to strike out Sec. 11, and insert the following in lieu thereof:

Sec. 11. When a vacancy occurs in the office of Judge of the Supreme, circuit, or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

Which motion did not prevail.

Mr. Bailly moved to amend Sec. 14 by striking out all after the word "law," in line 2, up to the word "judges," in line 3;

Which motion did not prevail.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Lamb,	Mr. Shaw,
Armstrong,	Fancher,	Lewis,	Simpson,
Bartholomew,	Fey,	R. C. Miller,	Smith,
Blackman,	Garfield,	Morse,	Speed,
Brown,	Garvelink,	Noyes,	Striker,
Brunson,	Gilmore,	O'Dell,	Taylor,
Burns,	Goodrich,	Parker,	Thompson,
Cady,	Green,	Perry,	A. Walker,
Captis,	Greusel,	Pierce,	F. Walker,
Chamberlain,	Haire,	Priest,	J. Walker,
Cobb,	Haywood,	Rich,	Walton,
Collins,	Hewitt,	Ripley,	Warren,
Colwell,	Hosner,	Robinson,	Welch,
Curtis,	Hoyt,	Robertson,	Wheeler,
Dinturff,	Kellogg,	Rose,	Withington,
Dovell,	Kipp,	Sanderson,	Wixson,
Drake,	Knapp,	Sessions,	

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#### NAYS.

Mr. Bailly,	Mr. Briggs,	Mr. Lockwood,	Mr. Van Aken,
Bottomley,	Carter,	Luce,	Speaker,

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Pending the announcement of the vote,

Mr. Rich moved that Mr. Lamb be excused from voting;

Which motion did not prevail.

Mr. Lamb then voted as recorded above.

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. A. Walker moved to take from the table,

House Joint Resolution No. 7, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. VII., entitled Elective franchise;

Which motion prevailed.

Mr. Bartholomew moved to lay the joint resolution on the table;

Which motion did not prevail.

On motion of Mr. Perry,

The joint resolution was referred to the committee of the whole and placed on the general order.

On motion of Mr. Brunson,

House Joint Resolution No. 8, entitled

Joint resolution proposing amendments to Art. VIII. of the Constitution of the State of Michigan, entitled State officers,

Was taken from the table.

The question being on placing the joint resolution on the order of third reading,

Pending the vote thereon,

Mr. Morse moved that there be a call of the House:

Which motion prevailed.

#### PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Caplis, Edwards, Hardien, Harris, Howard, Eggleston, Mitchell, Speed, and Thomas.

Mr. Briggs moved that the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Which motion prevailed.

On motion of Mr. Ripley,

All further proceedings under the call were dispensed with, except so far as relates to the bringing in of the absentees.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Drake,	Mr. Lewis,	Mr. Simpson,
Armstrong,	Drew,	Luce,	Smith,
Bartholomew,	Fancher,	E. R. Miller,	Striker,
Blackman,	Fey,	R. C. Miller,	Taylor,
Bottomley,	Garfield,	Morse,	Thompson,
Briggs,	Garvelink,	Noyes,	Van Scoy,
Brown,	Gilmore,	O'Dell,	A. Walker,
Brunson,	Goodrich,	Parker,	F. Walker,
Buell,	Green,	Perry,	J. Walker,
Burns,	Greusel,	Pierce,	Walton,
Cady,	Haire,	Priest,	Warren,
Carter,	Haywood,	Rich,	Watkins,
Chamberlain,	Hewitt,	Ripley,	Welch,

Mr. Cobb,	Mr. Hosner,	Mr. Robinson,	Mr. Welker,
Collins,	Hoyt,	Robertson,	Wheeler,
Colwell,	Kellogg,	Rose,	Withington,
Cook,	Kipp,	Sanderson,	Wixson,
Curtis,	Knapp,	Sessions,	Zimmerman,
Dintruff,	Lamb,	Shaw,	Speaker, 76

NAYS.

Mr. Bailey,	Mr. Dovell,	Mr. Lockwood,	Mr. Van Aken, 4
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The joint resolution was referred to the committee on arrangement and phraseology.

Mr. Goodrich moved to take from the table

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries;

Which motion prevailed.

Mr. Parker moved to amend the joint resolution, by striking out in Sec. 1 all after the words "Auditor General."

Mr. Withington moved to amend the amendment by striking out in Sec. 1 all after the words "Auditor General," and inserting in lieu thereof the words, "shall each give his time and personal attention to the duties of his office;"

Which was agreed to.

The motion to strike out did not prevail.

Mr. Perry moved to amend the section by striking out all mention of the Supreme and circuit judges;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Harris at the bar of the House.

On motion of Mr. Withington,

Mr. Harris was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Mitchell at the bar of the House.

On motion of Mr. Warren,

Mr. Mitchell was admitted within the bar, rendered an excuse, and took his seat.

The Speaker announced the following:

Hon. C. M. CROSWELL, *Speaker of the House of Representatives*:

SIR—Pursuant to the order of the House, acting under the call of the House of this A. M., I proceeded with all haste to make due search for the absentees as reported. I found the Hon. John J. Speed in a car at the D. L. & L. M. R. R. depot, and that car attached to a train which was just on the point of leaving. I respectfully made my business known to him, but he positively refused to return to the Hall of the House of Representatives with me; said I could not carry him out of the car, etc., during which parley the train started, and I returned empty-handed to report the facts.

Very respectfully,

H. A. NORTON, *Asst. Sergeant-at-Arms*.

The communication was laid on the table.

Mr. Walton moved to refer the joint resolution to the committee on ways and means, with instructions to report a substitute providing for its separate submission to the vote of the people;

Mr. Walton demanded the yeas and nays.

The demand was seconded,  
 And pending the taking of the vote,  
 On motion of Mr. Wixson,  
 The House took a recess until 2 o'clock this afternoon.

# AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.  
 Roll called: quorum present.  
 The House resumed the order of

## MOTIONS AND RESOLUTIONS.

The question pending when the House took a recess was a motion to refer House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries.

To the committee on ways and means, with instructions to report a substitute, providing for its separate submission to the vote of the people.

The yeas and nays having been demanded, and the demand seconded,

The motion prevailed, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Cook,	Mr. Kellogg,	Mr. Thompson,
Armstrong,	Curtis,	Kipp,	Van Aken,
Baily,	Dinturff,	Lamb,	Van Scoy,
Bartholomew,	Drake,	E. R. Miller,	F. Walker,
Bottomley,	Garfield,	Mitchell,	J. Walker,
Brown,	Garvelink,	Priest,	Walton,
Brunson,	Gilmore,	Robinson,	Welker,
Cady,	Goodrich,	Sanderson,	Wixson,
Carter,	Haire,	Sessions,	Zimmerman,
Collins,	Haywood,	Smith,	Speaker,
Colwell,	Hewitt,	Taylor,	

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## NAYS.

Mr. Blackman,	Mr. Green,	Mr. Morse,	Mr. Shaw,
Briggs,	Greusel,	Noyes,	Simpson,
Buell,	Harris,	O'Dell,	Striker,
Burns,	Hoaner,	Parker,	A. Walker,
Chamberlain,	Hoyt,	Perry,	Warren,
Cobb,	Knapp,	Pierce,	Watkins,
Dovell,	Lewis,	Rich,	Welch,
Drew,	Lockwood,	Ripley,	Wheeler,
Fancher,	Luce,	Robertson,	Withington,
Fey,			

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Mr. Briggs offered the following:

*Resolved*, That the Clerk of the House be instructed to furnish the House with the following information:

*First*, The names of all the employes of the House, including Clerk and Sergeant-at-Arms. *Second*, The names of any employes of the House who are



now under pay and not actually in attendance and engaged in the performance of any duty in connection with the session of the Legislature;

Which was adopted.

Mr. Lewis, by unanimous consent, presented the petition of Wm. A. Stockman, John Wanless, Phillip Simon, and 95 others, asking that Secs. 1 and 2 of Art. XV. of the revision of the Constitution be so amended that no property will be exempt from sale on execution when the debt was incurred for manual labor.

Referred to the committee on judiciary.

Mr. Ackley offered the following:

*Resolved*, That the gentleman from Jackson, Mr. Withington, be requested to furnish the clerk with a copy of his remarks made before the House this morning on the death of Hon. Charles Sumner, that the same may be spread at large on the journal, in connection with the resolutions of the committee.

Which was adopted.

The committee on ways and means, by unanimous consent, reported as follows:

The committee on ways and means to whom was referred the subject of mileage of members,

Respectfully make the following supplemental and amended report:

	Miles.		Miles.
Mr. Parker.....	222	Mr. E. R. Miller.....	219
Dovell.....	468	Mitchell.....	102
Brown.....	288	Hear.....	1,500
Harden.....	214	Geo. H. Voorhies, Clerk Jud. Com.	190
Van Scoy.....	126		

JAMES BURNS, *Acting Chairman*.

Report accepted.

Mr. Briggs moved to strike from the report the names of those members who have not been present during the session.

Mr. Shaw moved to lay the report on the table;

Which motion did not prevail.

On motion of Mr. Chamberlain,

The report was re-committed with instructions to so amend the report as not to include mileage for any member who has not been in attendance at this session.

Mr. Brunson moved to take from the table

House Joint Resolution No. 10, entitled,

Joint resolution proposing amendments to the Constitution of Michigan, to stand as Art. X., entitled Municipal corporations;

Which motion prevailed.

Mr. Sippson moved to amend the joint resolution by striking out Sec. 3;

Which motion did not prevail.

Mr. Hoyt moved that the joint resolution be referred to the committee on judiciary, with instructions to so amend Sec. 13 as to provide for three commissioners of highways.

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Blackman,	Mr. Curtis,	Mr. Hoyt,	Mr. Smith,
Brown,	Drake,	Morse,	Striker,
Cady,	Garfield,	O'Dell,	Taylor,
Carter,	Garvelink,	Priest,	Wixson,
Chamberlain,	Goodrich,	Robertson,	Speaker,
Colwell,	Hosner,	Simpson,	

23

## NAYS.

Mr. Ackley,	Mr. Fancher,	Mr. Lockwood,	Mr. Thompson,
Armstrong,	Fey,	Luce,	Van Aken,
Bailey,	Gilmore,	E. R. Miller,	Van Scoy,
Bartholomew,	Green,	Mitchell,	A. Walker,
Bottomley,	Greusel,	Noyes,	F. Walker,
Briggs,	Haire,	Parker,	J. Walker,
Brunson,	Harris,	Perry,	Walton,
Buell,	Haywood,	Pierce,	Warren,
Burns,	Hewitt,	Rich,	Watkins,
Cobb,	Kellogg,	Ripley,	Welch,
Cook,	Kipp,	Robinson,	Welker,
Dinturff,	Knapp,	Sanderson,	Wheeler,
Dovell,	Lamb,	Sessions,	Withington,
Drew,	Lewis,	Shaw,	Zimmerman, 59

Mr. Collins moved to amend the joint resolution by inserting after the word "supervisor," in line 2, the words, "who shall be *ex officio* highway commissioners;"

Which motion did not prevail.

Mr. Lewis moved to amend the joint resolution by striking out Sec. 15 ;

Which motion did not prevail.

Mr. Lewis moved to refer the joint resolution to the committee on education, with instructions to strike out of Sec. 16 all relative to school inspectors ;

Which motion did not prevail.

Mr. Rich moved to refer the joint resolution to the committee on education, with instructions to strike out Sec. 16 ;

Which motion did not prevail.

Mr. Curtis moved to amend the joint resolution by striking out of line 2, Sec. 8, the words "and villages ;"

Mr. Curtis demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,	Mr. Curtis,	Mr. Knapp,	Mr. Simpson,
Blackman,	Drake,	Luce,	Van Aken,
Briggs,	Drew,	O'Dell,	Van Scoy,
Brown,	Fey,	Robinson,	J. Walker,
Cady,	Garfield,	Robertson,	Walton,
Carter,	Goodrich,	Sanderson,	Welch,
Chamberlain,	Green,	Sessions,	Welker,
Cook,	Kellogg,		

30

## NAYS.

Mr. Ackley,	Mr. Garvelink,	Mr. E. R. Miller,	Mr. Striker,
Baily,	Gilmore,	Mitchell,	Taylor,
Bartholomew,	Greusel,	Morse,	Thompson,
Bottomly,	Haire,	Noyes,	A. Walker,
Brunson,	Haywood,	Parker,	F. Walker,
Buell,	Hewitt,	Perry,	Warren,
Burns,	Hosner,	Pierce,	Watkins,
Cobb,	Hoyt,	Priest,	Wheeler,
Collins,	Kipp,	Rich,	Withington,
Dinturff,	Lamb,	Ripley,	Wixson,
Dovell,	Lewis,	Shaw,	Zimmerman,
Fancher,	Lockwood,	Smith,	Speaker, 48

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Lewis,	Mr. Striker,
Armstrong,	Drew,	E. R. Miller,	Taylor,
Bailey,	Fancher,	Mitchell,	Thompson,
Bartholomew,	Garfield,	Morse,	Van Scoy,
Bottomley,	Garvelink,	Noyes,	A. Walker,
Briggs,	Gilmore,	O'Dell,	F. Walker,
Brown,	Goodrich,	Parker,	J. Walker,
Brunson,	Green,	Perry,	Walton,
Buell,	Greusel,	Pierce,	Warren,
Burns,	Haire,	Priest,	Watkins,
Cady,	Haywood,	Rich,	Welch,
Carter,	Hewitt,	Robinson,	Welker,
Chamberlain,	Hosner,	Robertson,	Wheeler,
Cobb,	Hoyt,	Sanderson,	Withington,
Collins,	Kellogg,	Sessions,	Wixson,
Cook,	Kipp,	Shaw,	Zimmerman,
Dinturff,	Knapp,	Smith,	Speaker, 68

## NAYS.

Mr. Blackman,	Mr. Drake,	Mr. Lockwood,	Mr. Simpson,
Curtis,	Fey,	Luce,	Van Aken, 8

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Hoyt offered the following :

*Resolved*, That Lewis M. Miller, Assistant Engrossing and Enrolling Clerk of this House, be transferred to the position of Corresponding Clerk of this House, in place of Henry J. Walker, resigned ;

Which was adopted.

Mr. Hoyt asked and obtained leave of absence for himself for Monday forenoon.

Mr. Cobb asked and obtained leave of absence for himself until Monday noon.

Mr. Mitchell asked and obtained leave of absence for himself until Monday noon.

Mr. Lewis asked and obtained leave of absence for himself Monday forenoon.

Mr. Ackley asked and obtained leave of absence for himself for Monday forenoon.

Mr. Knapp asked and obtained leave of absence for himself until Monday noon.

Mr. F. Walker asked and obtained leave of absence for himself until Monday noon.

Mr. Shaw asked and obtained leave of absence for himself until Monday noon.

Mr. Taylor asked and obtained leave of absence for himself until Monday noon.

Mr. Garfield moved to take from the table

House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than municipal ; Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows :

#### YEAS.

Mr. Ackley,	Mr. Dinturff,	Mr. Lockwood,	Mr. Simpson,
Armstrong,	Dovell,	Luce,	Smith,
Baily,	Drew,	E. R. Miller,	Striker,
Bartholomew,	Fancher,	Mitchell,	Taylor,
Blackman,	Fey,	Morse,	Thompson,
Bottomley,	Garfield,	O'Dell,	Van Aken,
Briggs,	Garvelink,	Perry,	Van Scoy,
Brown,	Gilmore,	Pierce,	A. Walker,
Brunson,	Goodrich,	Priest,	J. Walker,
Buell,	Green,	Rich,	Walton,
Burns,	Greusel,	Ripley,	Warren,
Cady,	Haire,	Robinson,	Watkins,
Carter,	Haywood,	Robertson,	Welker,
Chamberlain,	Hewitt,	Sanderson,	Wheeler,
Colwell,	Kellogg,	Sessions,	Withington,
Cook,	Kipp,	Shaw,	Wixson,
Curtis,	Lewis,		

66

#### NAYS.

Mr. Hoyt, Mr. Lamb, Mr. Parker, Mr. Speaker, 4

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Buell asked and obtained leave of absence for himself until Monday noon.

Mr. Van Aken moved that the House adjourn.

Which motion did not prevail.

Mr. Greusel moved to take from the table

House Joint Resolution No. 12, entitled

Joint resolution proposing amendments to Art. XII. of the Constitution of the State of Michigan, entitled Impeachments and Removals from office ;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Dintruff,	Mr. Kipp,	Mr. Simpson,
Armstrong,	Dovell,	Knapp,	Smith,
Bailey,	Drake,	Lamb,	Striker,
Bartholomew,	Dréw,	Lewis,	Taylor,
Blackman,	Fancher,	Luce,	Thompson,
Briggs,	Fey,	E. R. Miller,	Van Aken,
Brown,	Garfield,	Mitchell,	Van Scoy,
Brunson,	Garvelink,	O'Dell,	A. Walker,
Buell,	Gilmore,	Parker,	J. Walker,
Burns,	Goodrich,	Perry,	Walton,
Cady,	Green,	Pierce,	Warren,
Carter,	Greusel,	Priest,	Welker,
Chamberlain,	Haire,	Rich,	Wheeler,
Cobb,	Harris,	Ripley,	Withington,
Collins,	Haywood,	Robinson,	Wixson,
Colwell,	Hewitt,	Robertson,	Zimmerman,
Cook,	Hoyt,	Sanderson,	Speaker,
Curtis,	Kellogg,	Shaw,	

71

## NAYS.

0

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Hewitt moved to take from the table

House Joint Resolution No. 13, entitled

Joint resolution proposing amendments to Art. XIII. of the Constitution of the State of Michigan, entitled Education;

Which motion did not prevail.

Mr. Greusel moved to take from the table

House Joint Resolution No. 14, entitled

Joint resolution proposing amendments to Art. XIV. of the Constitution of the State of Michigan, entitled Finance and taxation;

Which motion prevailed.

Mr. Greusel moved to amend the joint resolution by adding at the end of Sec. 1, the following:

"No law imposing a specific tax upon any corporation shall prohibit the assessment and levying of a tax by any city or village upon the lands and buildings owned or occupied by such corporation, and lying within the corporate limits of such city or village."

Mr. Buell moved to amend the amendment by striking out the words "or village" where they occur, and inserting in lieu thereof the words "of Detroit."

Which was not agreed to.

On the motion to amend,

Mr. Greusel demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Brown, Cady, Chamberlain,	Mr. Green, Grensel, Lamb,	Mr. Lewis, Luce, Sanderson,	Mr. Thompson, Welch,	11
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## NAYS.

Mr. Ackley, Armstrong, Bailey, Bartholomew, Blackman, Bottomley, Briggs, Brunson, Buell, Burns, Carter, Collins, Colwell, Cook, Curtis,	Mr. Dinturff, Dovell, Drake, Drew, Fancher, Fey, Garfield, Garvelink, Gilmore, Goodrich, Haywood, Hewitt, Hosner, Hoyt,	Mr. Kellogg, Kipp, Knapp, E. R. Miller, Morse, O'Dell, Parker, Perry, Pierce, Priest, Ripley, Robinson, Robertson, Sessions,	Mr. Smith, Striker, Taylor, Van Aken, Van Scoy, A. Walker, J. Walker, Walton, Warren, Welker, Wheeler, Withington, Wixson, Zimmerman,	57
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Mr. Briggs moved to amend the joint resolution by striking out of line 1, Sec. 1, the word "shall" and inserting the word "may" in lieu thereof;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Armstrong, Bailey, Bartholomew, Blackman, Bottomley, Briggs, Brown, Brunson, Buel, Burns, Cady, Carter, Chamberlain, Collins, Colwell, Cook, Curtis,	Mr. Dinturff, Dovell, Drake, Drew, Fancher, Fey, Garfield, Garvelink, Gilmore, Goodrich, Green, Grensel, Harris, Haywood, Hewitt, Hosner, Hoyt, Kellogg,	Mr. Kipp, Knapp, Lamb, Lewis, Luce, E. R. Miller, Morse, O'Dell, Parker, Perry, Pierce, Priest, Ripley, Robinson, Robertson, Sanderson, Sessions,	Mr. Smith, Striker, Taylor, Thompson, Van Aken, Van Scoy, A. Walker, J. Walker, Walton, Warren, Welch, Welker, Wheeler, Withington, Wixson, Zimmerman, Speaker,	70
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## NAYS.

0

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Warren moved to take from the table

House Joint Resolution No. 15, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XV., entitled Exemptions;

Which motion prevailed.

Mr. Lewis moved to amend the joint resolution by adding at the end of Sec. 1 the following:

"Except the debt of manual labor, when due, from which no property shall be exempt from sale. This clause shall not be construed so as to apply to the debt of the labor of lawyers, doctors, lecturers, or preachers, or to debt contracted for articles sold on credit."

Mr. Hoyt moved to refer the joint resolution to the judiciary committee, with instructions to report an amendment providing that no property shall be exempt from execution issued upon a judgment rendered for personal labor, (other than professional);

Which motion prevailed.

Mr. Brunson moved that the House adjourn;

Which motion did not prevail.

Mr. E. R. Miller moved to take from the table

House Joint Resolution No. 16, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVI., entitled Militia;

Which motion prevailed.

Mr. Buell moved to amend the joint resolution by striking out of line 1, Sec. 1, the word "shall" and inserting in lieu thereof the word "may,"

Which motion prevailed.

Mr. J. Walker moved to amend the joint resolution by striking out of line 2, Sec. 1, the word "forty" and inserting in lieu thereof the word "thirty,"

Which motion did not prevail.

The question being on placing the joint resolution on the order of third reading.

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Dintuff,	Mr. Kellogg,	Mr. Sanderson,
Armstrong,	Dovell,	Kipp,	Sessions,
Bartholomew,	Drake,	Knapp,	Smith,
Blackman,	Drew,	Lamb,	Striker,
Bottomley,	Fancher,	Lewis,	Taylor,
Briggs,	Fey,	Luce,	Thompson,
Brown,	Garfield,	E. R. Miller,	Van Scoy,
Brunson,	Garvelink,	Morse,	A. Walker,
Burns,	Gilmore,	O'Dell,	Walton,
Cady,	Goodrich,	Parker,	Warren,
Carter,	Green,	Perry,	Welch,
Chamberlain,	Greusel,	Pieroe,	Wheeler,
Collins,	Haywood,	Priest,	Withington,
Colwell,	Hewitt,	Ripley,	Wixson,
Cook,	Hosner,	Robinson,	Zimmerman,
Curtis,	Hoyt,	Robertson,	Speaker, 64

#### NAYS.

Mr. Bailly,	Mr. Lockwood,	Mr. J. Walker,	Mr. Welker,
Buell,	Van Aken,		

The joint resolution was referred to the committee on arrangement and phraseology.

Mr. Bottomly moved that the House adjourn until Monday next, at 2 o'clock P. M.,

Pending which,

On motion of Mr. Ripley,

The House adjourned.

*Lansing, Monday, March 16, 1874.*

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Cromack.

Roll called: quorum present.

Absent without leave, Messrs. Bailey, Burns, Caplis, Dintruff, Edwards, Eggleston, Harden, Howard, Sessions, Speed, Thomas, Watkins, Welch and Withington.

Mr. Harris asked and obtained leave of absence for Mr. Welch for the forenoon.

Mr. Haire asked and obtained leave of absence for Mr. Watkins for the day.

Mr. Fancher asked and obtained leave of absence for Mr. Bailey for the forenoon.

Mr. Hewitt asked and obtained leave of absence for Mr. Sessions for the forenoon.

On motion of Mr. Lamb,

All further proceedings under the call of the House of Saturday so far as relates to Mr. Howard were dispensed with.

On motion of Mr. Garvelink,

All further proceedings under the call of the House of Saturday, so far as relates to Mr. Harden were dispensed with.

Mr. Lamb asked and obtained leave of absence for Mr. Howard for the forenoon.

Mr. J. Walker asked and obtained leave of absence for Mr. Harden for the day.

Mr. Drew asked and obtained leave of absence for Mr. Withington, indefinitely, on account of sickness.

Mr. Haire moved that all further proceedings under the call of the House of Saturday, relative to Mr. Thomas, be dispensed with;

Which motion did not prevail.

Mr. Briggs moved that all further proceedings under the call of the House of Saturday, relative to members ordered under arrest, be dispensed with.

On motion of Mr. Curtis,

The motion was laid on the table.

#### PRESENTATION OF PETITIONS.

By Mr. Walton: Petition of Woodland Owen, J. J. Auchampaugh, Norman Geddes, Rev. W. H. Webb, and 95 others, men and women of the city of Adrian of legal voting age, asking that the question of striking the word "male" from



the clause of the constitution defining qualifications of electors be submitted to the people.

Referred to the committees on elections and State affairs.

By Mr. Bartholomew: Petition of D. R. Stone, J. E. Mahan, Miss Julia M. Watson, Miss N. E. McCain, and 39 others of Holly, in favor of female suffrage; Also: Petition of Adam Elder, G. C. Lane, Mrs. S. M. Spinner, Miss Alice Robinson, and 36 others of Detroit, for the same purpose.

Referred to the committees on elections and State affairs.

#### MOTIONS AND RESOLUTIONS.

Mr. Garfield moved to take from the table

House Joint Resolution No. 17, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled "Miscellaneous Provisions;"

Which motion prevailed.

Mr. Wixson moved to amend the joint resolution by striking out Sec. 10.

Mr. Wixson demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Brown,	Mr. Fey,	Mr. Haywood,	Mr. Welker,	
Carter,	Garvelink,	Simpson,	Wixson,	
Chamberlain,	Greusel,			10

#### NAYS.

Mr. Armstrong,	Mr. Fancher,	Mr. E. R. Miller,	Mr. Striker,	
Bartholomew,	Garfield,	Morse,	Thompson,	
Blackman,	Grant,	O'Dell,	Van Aken,	
Bottomly,	Green,	Perry,	Van Scoy,	
Briggs,	Haire,	Pierce,	A. Walker,	
Collins,	Harris,	Priest,	J. Walker,	
Colwell,	Hewitt,	Rich,	Walton,	
Cook,	Hosner,	Ripley,	Warren,	
Curtis,	Kipp,	Robinson,	Wheeler,	
Dovell,	Lamb,	Robertson,	Zimmerman,	
Drake,	Lockwood,	Sanderson,	Speaker,	
Drew,	Luce,			46

Mr. Fancher moved to amend the joint resolution by inserting after the word "affirmation," in line 2, Sec. 1, the following:

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination, or election, or appointment, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

Mr. Buell moved to amend the amendment by inserting after the word "officers" in line 1, Sec. 1, the words, "either State, county or township;"

Which was accepted.

Mr. Buell moved to amend the amendment by inserting after the word "election" the words, "or the nomination or election of any other officer, National, State, county, township, city or village, executive or judicial;"

Which was agreed to.

Mr. Rich moved to lay the joint resolution on the table;

Which motion did not prevail.

On the question of agreeing to the amendment,

Mr. Fancher demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Briggs,	Mr. Green,	Mr. Priest,	Mr. A. Walker,	
Buell,	Hosner,	Rich,	J. Walker,	
Curtis,	Kellogg,	Robinson,	Warren,	
Fancher,	Lamb,	Van Aken,	Welker,	
Garvelink,	E. R. Miller,	Van Scoy,	Speaker,	20

## NAYS.

Mr. Armstrong,	Mr. Dovell,	Mr. Haywood,	Mr. Robertson,	
Bartholomew,	Drake,	Hewitt,	Sanderson,	
Blackman,	Drew,	Kipp,	Simpson,	
Bottomley,	Fey,	Lockwood,	Striker,	
Brown,	Garfield,	Luce,	Thompson,	
Carter,	Gilmore,	Morse,	Walton,	
Chamberlain,	Grant,	O'Dell,	Wheeler,	
Collins,	Greusel,	Perry,	Wixson,	
Colwell,	Haire,	Pierce,	Zimmerman,	
Cook,	Harris,	Ripley,		39

Mr. Lockwood moved to amend the joint resolution by striking out Sec. 6.

Mr. Blackman moved to amend Sec. 6, by striking out the word "thereof" at the end of the section, and inserting in lieu thereof the words, "of such improvement;"

Which motion prevailed.

The motion to strike out the section did not prevail.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Armstrong,	Mr. Drew,	Mr. Kipp,	Mr. Simpson,
Bartholomew,	Fancher,	Lamb,	Smith,
Blackman,	Fey,	Lockwood,	Striker,
Bottomley,	Garfield,	Luce,	Thompson,
Briggs,	Garvelink,	E. R. Miller,	Van Aken,
Brown,	Gilmore,	Morse,	Van Scoy,
Buell,	Grant,	O'Dell,	A. Walker,
Carter,	Green,	Perry,	J. Walker,
Chamberlain,	Greusel,	Pierce,	Walton,
Collins,	Haire,	Priest,	Warren,
Colwell,	Harris,	Rich,	Welker,
Cook,	Haywood,	Ripley,	Wheeler,

Mr. Curtis,	Mr. Hewitt,	Mr. Robinson,	Mr. Wixson,
Dovell,	Hosner,	Robertson,	Zimmerman,
Drake,	Kellogg,	Sanderson,	Speaker, 60

NAYS.

0

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Garfield moved to take from the table

House Joint Resolution No. 18, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVIII, entitled Amendment and revision of the Constitution;

Which motion prevailed.

Mr. Briggs moved to amend the joint resolution by striking out in Sec. 2 all of line 3, and the word "Commission" in line 6;

Pending which,

Mr. Buell moved that the joint resolution be referred to the committee on judiciary, with instructions to so amend Sec. 2, that in case the Legislature should order a Commission for the revision of the Constitution, the work of such Commission shall be subject to the review of the Legislature;

Pending which,

The Sergeant-at-Arms announced Mr. Thomas at the bar of the House.

On motion of Mr. Warren,

Mr. Thomas was admitted within the bar, tendered an excuse, and took his seat.

The motion to commit was then withdrawn.

The motion to amend was withdrawn.

Mr. Wixson moved to amend the joint resolution by striking out Sec. 2;

Mr. Blackman moved to amend the joint resolution by substituting for Sec. 2 the following:

"At the general election to be held in the year one thousand eight hundred and eighty-five, and at such other times thereafter as the Legislature may by law provide, the question of the general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature, and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a Convention for such purpose, the Legislature, at the next session, shall provide by law for the election of delegates to compose such Convention;"

Mr. Greusel demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

YEAS.

Mr. Bailly,	Mr. Drake,	Mr. Kellogg,	Mr. Van Aken.
Blackman,	Fancher,	Luce,	Van Scoy,
Bottomley,	Garfield,	R. C. Miller,	J. Walker,
Briggs,	Garvelink,	Robinson,	Welch,
Brunson,	Green,	Sessions,	Welker,
Buell,	Haire,	Simpson,	Wheeler,
Collins,	Harris,	Striker,	Wixson,
Colwell,	Hewitt,	Taylor,	Speaker,
Curtis,			

33

## NAYS.

Mr. Ackley,	Mr. Gilmore,	Mr. Lockwood,	Mr. Robertson,
Armstrong,	Gordon,	E. R. Miller,	Sanderson,
Bartholomew,	Grant,	Mitchell,	Shaw,
Brown,	Greusel,	Morse,	Smith,
Cady,	Haywood,	O'Dell,	Thompson,
Carter,	Hosner,	Pierce,	A. Walker,
Cook,	Kipp,	Priest,	Walton,
Dovell,	Lamb,	Rich,	Warren,
Drew,	Lewis,	Ripley,	Zimmerman,
Fey,			37

Mr. Briggs moved that the joint resolution be referred to the committees on judiciary and State affairs jointly;

Which motion did not prevail.

Mr. Walton moved to amend the joint resolution by inserting in line 4, after the word "Senate," the words "and House of Representatives."

Mr. Ripley moved to amend the amendment by adding thereto the words "in joint convention;"

Which was accepted.

The motion to amend prevailed.

On the question of striking out the whole of Sec. 2,

Mr. Wixson demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Armstrong,	Mr. Drake,	Mr. Luce,	Mr. Striker,
Bailey,	Garfield,	R. C. Miller,	Taylor,
Blackman,	Hewitt,	Rich,	Van Aken,
Briggs,	Kellogg,	Robinson,	Welker,
Collins,	Kipp,	Simpson,	Wixson,
			20

## NAYS.

Mr. Ackley,	Mr. Fancher,	Mr. Lockwood,	Mr. Shaw,
Bartholomew,	Fey,	E. R. Miller,	Smith,
Bottomley,	Garvelink,	Mitchell,	Thompson,
Brown,	Gilmore,	Morse,	Van Scoy,
Brunson,	Gordon,	O'Dell,	A. Walker,
Buell,	Grant,	Perry,	J. Walker,
Cady,	Green,	Pierce,	Walton,
Carter,	Greusel,	Priest,	Warren,
Chamberlain,	Haire,	Ripley,	Welch,
Colwell,	Harris,	Robertson,	Wheeler,
Curtis,	Haywood,	Sanderson,	Zimmerman,
Dovell,	Hosner,	Sessions,	Speaker,
Drew,	Lewis,		50

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Lamb,	Mr. Sanderson,
Armstrong,	Drew,	Lewis,	Sessions,

Mr. Bartholomew,	Mr. Fancher,	Mr. Lockwood,	Mr. Shaw,
Bottomley,	Fey,	E. R. Miller,	Smith,
Brown,	Garfield,	R. C. Miller,	Striker,
Brunson,	Garvelink,	Mitchell,	Taylor,
Buell,	Gordon,	Morse,	Thompson,
Cady,	Grant,	O'Dell,	A. Walker,
Carter,	Green,	Perry,	J. Walker,
Chamberlain,	Greusel,	Pierce,	Walton,
Collins,	Haire,	Priest,	Warren,
Colwell,	Harris,	Rich,	Welch,
Cook,	Haywood,	Ripley,	Wheeler,
Curtis,	Hosnef,	Robertson,	Zimmerman,

## NAYS.

Mr. Bailly,	Mr. Hewitt,	Mr. Robinson,	Mr. Welker,
Blackman,	Kellogg,	Simpson,	Wixson,
Briggs,	Kipp,	Van Aken,	Speaker,
Drake,	Luce,	Van Scoy,	15

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Ripley offered the following:

*Resolved*, That when a member be excused from attendance in this House for any cause other than sickness, such excuse shall not affect the pay of such member;

Mr. Sanderson moved to lay the resolution on the table;

Mr. Van Aken demanded the yeas and nays.

The demand was not seconded.

The motion to lay on the table did not prevail.

The resolution was then not adopted.

On motion of Mr. Bartholomew,

The House took a recess until 2 o'clock this afternoon.

## AFTERNOON SESSION.

2 o'clock P. M.

The Senate met and was called to order by the Speaker.

Roll called: a quorum present.

The House resumed the order of

## MOTIONS AND RESOLUTIONS.

Mr. Hewitt offered the following:

*Resolved*, That hereafter any and all members of this House absenting themselves from its duties, for cause other than for sickness of themselves or families, shall not be entitled to pay as members, even though they may have a leave of absence granted upon other excuses.

Mr. Briggs offered the following substitute for the resolution:

*Resolved*, That the Clerk of the House be instructed in issuing certificates for pay of members to include only the time each member has been in actual attendance at the daily sessions of the House, or absent with leave of the House granted on account of sickness, which absence by reason of sickness, and that he was absent for no other reason, each member shall certify in writing to the clerk on his application for certificate.

Mr. Noyes moved to lay the resolution on the table.

Mr. Briggs demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Brown,	Mr. Gordon,	Mr. Lewis,	Mr. Scott,
Burns,	Grant,	Lockwood,	Simpson,
Cady,	Green,	Markey,	Smith,
Colwell,	Greusel,	R. C. Miller,	Striker,
Cook,	Haire,	Mitchell,	Thomas,
Dinturff,	Harris,	Noyes,	Walton,
Drew,	Knapp,	O'Dell,	Wheeler,
Fancher,	Lamb,	Sanderson,	Zimmerman,
Gilmore,			

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## NAYS.

Mr. Ackley,	Mr. Curtis,	Mr. Luce,	Mr. Taylor,
Armstrong,	Dovell,	E. R. Miller,	Thompson,
Bailey,	Drake,	Morse,	Van Scoy,
Bartholomew,	Fey,	Pierce,	A. Walker,
Blackman,	Garfield,	Priest,	J. Walker,
Bottomley,	Garvelink,	Rich,	Warren,
Briggs,	Haywood,	Ripley,	Welch,
Brunson,	Hewitt,	Robinson,	Welker,
Buell,	Hosner,	Sessions,	Wixson,
Carter,	Kellogg,	Shaw,	Speaker,
Chamberlain,	Kipp,		

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Mr. Bottomley moved to amend the substitute so that it shall apply only to the future absence of members ;

Mr. Noyes demanded the yeas and nays.

The demand was not seconded.

The substitute was then not adopted.

Mr. Blackman moved to amend the resolution by inserting between the words "members" and "even" the words "for such absence ;"

Which motion did not prevail.

Mr. Chamberlain moved to amend the resolution by inserting after the word "sickness" the words "or any other reasonable excuse ;"

Which motion did not prevail.

The question being on the adoption of the resolution,

Mr. Bartholomew demanded the yeas and nays.

The demand was seconded.

Mr. Grant demanded the previous question.

The demand was seconded and the main question ordered.

The resolution was then adopted, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,	Mr. Dovell,	Mr. Kipp,	Mr. Sessions,
Bailey,	Drake,	Lamb,	Shaw,
Bartholomew,	Fancher,	Luce,	Taylor,
Blackman,	Fey,	E. R. Miller,	Thomas,
Bottomley,	Garfield,	R. C. Miller,	Thompson,
Briggs,	Garvelink,	Morse,	Van Scoy,

Mr. Brunson,	Mr. Green,	Mr. O'Dell,	Mr. A. Walker,	
Buell,	Greusel,	Pierce,	J. Walker,	
Burns,	Haire,	Rich,	Warren,	
Carter,	Hewitt,	Ripley,	Welker,	
Colwell,	Hosner,	Robinson,	Wheeler,	
Curtis,	Kellogg,	Robertson,	Wixson,	48

## NAYS.

Mr. Ackley,	Mr. Gordon,	Mr. Lockwood,	Mr. Simpson,	
Brown,	Grant,	Markey,	Smith,	
Cady,	Harris,	Mitchell,	Striker,	
Chamberlain,	Haywood,	Noyes,	Walton,	
Cook,	Knapp,	Priest,	Welch,	
Dinturff,	Lewis,	Sanderson,	Zimmerman,	25
Drew,				

Mr. Lamb asked and obtained leave of absence for Mr. Howard indefinitely, on account of sickness.

Mr. Cook asked and obtained leave of absence for Mr. Van Aken on account of sickness.

Mr. Garfield moved to take from the table

House Joint Resolution No. 19, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as the "Schedule" of the same;

Which motion prevailed.

On motion of Mr. Luce,

The joint resolution was amended by adding a new section, to stand as Sec. 8, and to read as follows:

SEC. 8. The terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Lamb,	Mr. Sessions,
Armstrong,	Fancher,	Lewis,	Shaw,
Bailey,	Fey,	Luce,	Simpson,
Bartholomew,	Garfield,	Markey,	Smith,
Blackman,	Garvelink,	E. R. Miller,	Striker,
Bottomley,	Gilmore,	R. C. Miller,	Taylor,
Briggs,	Gordon,	Mitchell,	Thomas,
Brown,	Grant,	Morse,	Thompson,
Brunson,	Green,	Noyes,	A. Walker,
Burns,	Greusel,	O'Dell,	J. Walker,
Cady,	Haire,	Pierce,	Walton,
Carter,	Harris,	Priest,	Warren,
Chamberlain,	Haywood,	Rich,	Welch,
Collins,	Hewitt,	Ripley,	Welker,
Colwell,	Hosner,	Robinson,	Wheeler,
Cook,	Kellogg,	Robertson,	Wixson,

Mr. Curtis, Dintruff, Drake,	Mr. Kipp, Knapp,	Mr. Sanderson, Scott,	Mr. Zimmerman, Speaker,	73
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## NAYS.

Mr. Lockwood,	1
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The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Gilmore moved to take from the table

House Joint Resolution No. 13, entitled

Joint resolution proposing amendments to Art. XIII. of the Constitution of the State of Michigan, entitled Education;

Which motion prevailed.

Mr. Blackman moved to recommit the joint resolution, with instructions to amend the same, by striking out all of Sec. 4.

Mr. Rich demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Baily, Blackman, Briggs, Brown, Chamberlain, Collins,	Mr. Dintruff, Dovell, Drake, Drew, Garvelink, Gilmore, Green,	Mr. Harris, Haywood, Lamb, Lockwood, Luce, Markey, Mitchell,	Mr. Morse, Robinson, Simpson, Smith, Walton, Speaker,	27
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## NAYS.

Mr. Armstrong, Bartholomew, Brunson, Burns, Cady, Carter, Cook, Curtis, Fancher, Garfield, Gordon,	Mr. Grant, Greusel, Haire, Hewitt, Kellogg, Kipp, Knapp, E. R. Miller, R. C. Miller, Noyes, O'Dell,	Mr. Pierce, Priest, Rich, Ripley, Robertson, Sanderson, Scott, Sessions, Shaw, Striker, Taylor,	Mr. Thomas, Thompson, Van Scoy, A. Walker, J. Walker, Warren, Welch, Welker, Wixson, Zimmerman, 44
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Mr. Noyes moved to lay the joint resolution on the table;

Which motion did not prevail.

The question being on placing the joint resolution on the order of third reading,

It was not so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Armstrong, Bailey, Bartholomew, Briggs, Brunson,	Mr. Drew, Fey, Garfield, Gilmore, Grant, Green,	Mr. Kellogg, Kipp, E. R. Miller, Mitchell, Pierce, Priest,	Mr. Striker, Taylor, Thomas, Thompson, A. Walker, Warren,
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Mr. Cady, Carter, Cook, Dinturff, Dovell,	Mr. Grelselt, Haire, Harris, Haywood, Hewitt,	Mr. Rich, Scott, Shaw, Simpson, Smith,	Mr. Welker, Wheeler, Wixson, Zimmerman,
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## NAYS.

Mr. Blackman, Bottomly, Brown, Buell, Burns, Chamberlain, Collins, Colwell,	Mr. Curtis, Drake, Fancher, Garvelink, Gordon, Knapp, Lamb, Lockwood,	Mr. Luce, Markey, R. C. Miller, Morse, Noyes, O'Dell, Ripley, Robinson,	Mr. Robertson, Sanderson, Sessions, Van Scoy, J. Walker, Walton, Welch, Speaker,
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On motion of Mr. Chamberlain,

The joint resolution was laid on the table.

Mr. Gilmore moved to take from the table

House Joint Resolution No. 4, entitled,

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative Department;

Which motion did not prevail.

On motion of Mr. Grant,

The committee on arrangement and phraseology were instructed to report back to the House

House Joint Resolution No. 14, entitled,

Joint resolution proposing amendments to Art. XIV. of the Constitution of the State of Michigan, relative to finance and taxation.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred

House Joint Resolution No. 14, entitled

Joint resolution proposing amendments to Art. XIV. of the Constitution of the State of Michigan, relative to finance and taxation,

Respectfully report the same back to the House in accordance with their order.

S. H. BLACKMAN, *Chairman*.

Report accepted and committee discharged.

Mr. Grant moved to reconsider the vote by which the House placed the joint resolution on the order of third reading;

Which motion prevailed.

The question being on placing the joint resolution on the order of third reading,

On motion of Mr. Buell,

The joint resolution was amended by striking out in lines 2 and 3 of Sec. 12 the words "is or."

Mr. Briggs moved to amend the joint resolution by striking out in Sec. 12 all after the word "property;"

Which motion did not prevail.

Mr. Lockwood moved to refer the joint resolution to the committee on judiciary;

Which motion did not prevail.

Mr. Smith moved to refer the joint resolution to the committee on ways

and means, with instructions to amend by striking out in line 3, Sec. 1, the words "and upon any property or business;"

Which motion did not prevail.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Hosner,	Mr. Scott,
Armstrong,	Drake,	Lamb,	Shaw,
Baily,	Drew,	Lewis,	Striker,
Bartholomew,	Fancher,	Markey,	Taylor,
Bottomley,	Fey,	E. R. Miller,	Thomas,
Brown,	Garfield,	Mitchell,	Thompson,
Brunson,	Gilmore,	O'Dell,	Van Scoy,
Buell,	Gordon,	Pierce,	A. Walker,
Burns,	Grant,	Priest,	Warren,
Collins,	Green,	Rich,	Welch,
Colwell,	Greusel,	Ripley,	Wixson,
Cook,	Haire,	Robinson,	Zimmerman,
Curtis,	Harris,	Robertson,	Speaker,
Dinturff,	Hewitt,	Sanderson,	55

#### NAYS.

Mr. Blackman,	Mr. Kellogg,	Mr. R. C. Miller,	Mr. J. Walker,
Briggs,	Kipp,	Noyes,	Walton,
Chamberlain,	Knapp,	Sessions,	Welker,
Garvelink,	Lockwood,	Smith,	Wheeler,
Haywood,	Luce,		18

The joint resolution was then referred to the committee on arrangement and phraseology.

#### GENERAL ORDER.

On motion of Mr. Bartholomew,

The House went into committee of the whole on the general order,

The Speaker in the chair.

After some time spent therein, the committee rose, and, through their chairman, made the following report:

The committee of the whole have had under consideration the following entitled joint resolution:

House Joint Resolution No. 7, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. VII., entitled Elective franchise.

Have amended the same by inserting the word "male" where it relates to the qualification of electors, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

The committee of the whole have also had under consideration the following entitled joint resolution:

House manuscript Joint Resolution, entitled

Joint resolution proposing an amendment to Sec. 1, Art. VII., of the Constitution, in relation to the qualification of electors;

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend its passage.

Report accepted and committee discharged.

On motion of Mr. Garfield,

The House concurred in the amendment made to the first named joint resolution by the committee.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Garfield,	Mr. E. R. Miller	Mr. Striker,
Armstrong,	Garvelink,	R. C. Miller.	Taylor,
Bartholomew,	Gilmore,	Mitchell,	Thomas,
Blackman,	Gordon,	Morse,	Thompson,
Brown,	Grant,	Noyes,	Van Aken,
Brunson,	Green,	O'Dell,	Van Scoy,
Buell,	Greusel,	Pierce,	A. Walker,
Burns,	Haire,	Priest,	J. Walker,
Cady,	Harris,	Rich,	Walton,
Chamberlain,	Hewitt,	Ripley,	Warren,
Collins,	Hosner,	Robinson,	Welch,
Cook,	Kellogg,	Robertson,	Welker,
Dinturff,	Kipp,	Sanderson,	Wheeler,
Dovell,	Knapp,	Shaw,	Wixson,
Drake,	Lamb,	Simpson,	Zimmerman,
Fancher,	Lewis,	Smith,	Speaker,
Fey,	Lockwood,		

66

## NAYS.

Briggs,	Haywood,	Luce,	Markey,
Drew,			

5

The joint resolution was then referred to the committee on arrangement and phraseology.

The question being on placing the second named joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,	Mr. Garfield,	Mr. E. R. Miller,	Mr. Smith,
Bailey	Garvelink,	R. C. Miller,	Taylor,
Bartholomew,	Gilmore,	Mitchell,	Thomas,
Blackman,	Gordon,	Morse,	Thompson,
Briggs,	Green,	O'Dell,	Van Aken,
Brunson,	Haire,	Pierce,	Van Scoy,
Buell,	Harris,	Priest,	A. Walker,
Burns,	Hewitt,	Rich,	Walton,
Cady,	Hosner,	Robinson,	Warren,
Carter,	Kellogg,	Robertson,	Welch,
Collins,	Kipp,	Sanderson,	Welker,
Dinturff,	Knapp,	Scott,	Wheeler,
Drake,	Lamb,	Sessions,	Wixson,
Drew,	Luce,	Shaw,	Speaker,
Fancher,			

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## NAYS.

Mr. Ackley, Bottomley, Brown, Chamberlain, Colwell, Cook,	Mr. Curtis, Dovell, Fey, Grant, Greusel,	Mr. Haywood, Lewis, Lockwood, Markey, Noyes,	Mr. Ripley, Simpson, Striker, J. Walker, Zimmerman,
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On motion of Mr. Bartholomew,  
The joint resolution was laid on the table.  
On motion of Mr. Greusel,  
The House adjourned.

*Lansing, Tuesday, March 17, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Cook.

Roll called: quorum present.

Absent without leave: Messrs. Caplis, Edwards, Walton, and Eggleston.

The Sergeant-at-Arms announced Mr. Speed at the bar of the House.

On motion of Mr. Thomas,

Mr. Speed was admitted within the bar, rendered an excuse for his absence, and an apology for his refusal to return, and took his seat.

The Sergeant-at-Arms announced Mr. Edwards at the bar of the House.

On motion of Mr. Bottomly,

Mr. Edwards was admitted within the bar, rendered an excuse and took his seat.

## PRESENTATION OF PETITIONS.

By Mr. Hewitt: Petition of C. T. Mitchell and 62 other tax-payers of Hillsdale county, in favor of separate submission of woman suffrage;

Referred to the committees on elections and State affairs.

By Mr. Drake: Petition of Hon. Henry Waldron and 61 other tax-payers of Hillsdale county in favor of separate submission of woman suffrage;

Referred to the committees on elections and State affairs.

By Mr. Bartholomew: Petition of O. Johnson, M. P. Burtch, Mrs. H. L. Johnson, Mrs. B. Stanton, and 82 others of Grand Ledge, in favor of female suffrage.

Also: petition of R. F. Tinkham, Geo. W. Gates, M. Messenger, and 21 others of Grand Ledge for the same purpose.

Referred to the committees on elections and State affairs.

## REPORTS OF STANDING COMMITTEES.

By the committee on ways and means:

The committee on ways and means, to whom was referred

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled, Salaries,

With instructions,

Respectfully report that they have had the same under consideration, and have directed me to submit the following report:

According to the instructions your committee recommend the following substitute:

"At the election when this amended constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following proposition to stand, in case of its adoption, as Article IX. of the amended constitution, viz.:

#### ARTICLE IX.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars; the Judges of the Supreme Court shall receive an annual salary of four thousand dollars; the Judges of the Circuit Courts shall receive an annual salary of two thousand and five hundred dollars; the State Treasurer shall receive an annual salary of two thousand and five hundred dollars; the Auditor General shall receive an annual salary of two thousand and five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand dollars; the Secretary of State shall receive an annual salary of two thousand dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand dollars; the Attorney General shall receive an annual salary of two thousand dollars; they shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase or diminish the salaries herein provided. The State Treasurer, the Auditor General, the Superintendent of Public Instruction, the Secretary of State, the Commissioner of the Land Office, and the Attorney General shall each give his time and personal attention to the duties of his office.

Said proposition shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box. Upon the ballots given for said proposition shall be written, printed, or partly written and partly printed, the words: "Increase of salaries,—Yes;" and upon the ballots given against the adoption thereof, in like manner, the words: "Increase of salaries,—No."

If at said election a majority of the votes given upon said proposition shall contain the words: "Increase of salaries,—Yes," then said proposition shall stand as Article IX. of the present Constitution, and as Article IX. of said amended Constitution, if the latter is adopted.

C. B. GRANT, *Chairman.*

Report accepted and committee discharged.

Mr. Cady moved that the House concur in the adoption of the substitute reported by the committee.

Mr. Ripley moved to so amend the substitute in the clause relative to submission, that the schedule of salaries, in the report of the committee, be either adopted by the people, or in case of the said schedule being defeated, then the salaries be left to be fixed by law.

Mr. Gordon demanded the previous question.

The demand was seconded, and the main question ordered.

The motion to amend the substitute reported by the committee did not then prevail.

The House then refused to concur in the adoption of the substitute reported by the committee.

Mr. Grant moved that the joint resolution be ordered to a third reading,  
Pending which,

Mr. Parker moved that the joint resolution be recommitted with instructions to amend the same by increasing the salaries of circuit judges from two thousand five hundred dollars to three thousand dollars;

Which motion did not prevail.

On motion of Mr. Wixson,

The joint resolution was referred to the committee of the whole, with instructions to amend generally.

By the joint committee on arrangement and phraseology:

The joint committee on arrangement and phraseology, to whom was referred

House Joint Resolution No. 2, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. II. of the same, entitled, Bill of rights;

Respectfully report the same back to the two Houses with a schedule showing the amendments made to the article by each House respectively, as follows:

#### SENATE AMENDMENTS.

1. Amend section 7 by adding after the word "waived" the words "in all criminal cases in all courts other than courts of record," and by adding at the end of said section the words, "and may authorize a verdict to be given in all civil cases by not less than two-thirds of the whole jury," so that the section as amended shall read as follows:

SEC. 7. The right of trial by jury shall remain, but shall be deemed to be waived in all criminal courts other than courts of record, and in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law. The legislature may authorize, in all civil and criminal cases, a trial by jury of a less number than twelve men, and may authorize a verdict to be given in all civil cases, by not less than two-thirds of the whole jury.

2. Amend section 9 by adding before the word "attorney" the word "an," and after the word "attorney" the words "or agent of his choice."

#### HOUSE AMENDMENTS.

1. Amend section 3 by adding after the word "enlarged" the words "on account of his religious belief."

2. Amend Sec. 7 by substituting therefor the following:

SEC. 7. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, and criminal cases triable by justices of the peace, unless demanded by one of the parties in such manner as shall be prescribed by law. The Legislature may authorize, in courts not of record, a trial by a jury of a less number than twelve; in all courts, in civil cases, a verdict by not less than two-thirds of the jury; and, in criminal cases, by consent of parties, a discharge of not more than one juror and a verdict by the remainder.

3. Amend section 9 by adding before the word "attorney" the words "agent or."

As to the disagreeing amendments to section 7, the committee recommend that the section be referred to the judiciary committees of the two houses as a joint committee.

As to the amendment to Sec. 9, the committee recommend that the House adapt its amendment to that of the Senate, the difference being simply one of phraseology.

The committee recommend that when amendments are made by either House to articles on the order of third reading, that such amendments be reported immediately to this committee.

MOREAU S. CROSBY,

*Chairman of the Committee on the part of the Senate.*

S. H. BLACKMAN,

*Chairman of the Committee on the part of the House.*

Report accepted and committee discharged.

On motion of Mr. Blackman,

The House concurred in the amendments recommended to the joint resolution by the committee.

On motion of Mr. Simpson,

The joint resolution was referred to the joint committees on judiciary.

By the committee on judiciary :

The committee on judiciary, to whom was referred

House Joint Resolution No. 15, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XV., entitled, Exemptions,

With instructions to amend the same so that no property shall be exempt from sale on execution upon a judgment, or debt due on a contract for manual labor,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, and ask to be discharged from the further consideration of the subject.

H. A. SHAW, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The joint resolution was laid on the table.

By the majority of the committee on judiciary :

A majority of the committee on judiciary, to whom was referred the petition of Wm. Stockman, J. Wanless, and ninety-six others, relative to an amendment to Article XV. of the amended Constitution, so that no property should be exempt from sale on execution upon a debt due on a contract, for manual labor,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend that the prayer of the petitioners be not complied with, and ask to be discharged from the further consideration of the subject.

A majority of the committee are aware of the fact that cases may arise when a constitutional or statutory provision similar to the one asked for by the petitioners would grant relief. It is better that the law of exemptions should be universal and impartial. There is nothing which has injured governments so much as legislating for classes. In carrying out the petitioners' idea we would be establishing a precedence for *caste* legislation. We are unable to see why one class of laborers should be amenable to laws from which others are exempt or why a distinction should be made in the kind of work, or why the labor of the lawyers, lecturers, doctors, or preachers is not as sacred or privileged as that of the manual laborer. The labor of the architect, artist, or civil engineer is manual in its character, but their success depends upon skill and pro-

iciency or requirements kindred to those demanded from the professional man. By granting the request of the petitioners we would make an unjust and unfair distinction.

HENRY A. SHAW, *Chairman.*

I. A. FANCHER.

J. J. SPEED,

A. D. GILMORE,

E. O. ROSE,

A. J. DOVELL.

Report accepted and committee discharged.

On motion of Mr. Shaw,

The petitions were laid on the table.

By the minority of the committee on judiciary:

The minority of the committee on judiciary to whom was referred the petition of Wm. A. Stockman, John Wanless and 96 other citizens of the State of Michigan, asking that Secs. 1 and 2 of Article XVI of the Constitution of this State be so amended as to provide that no property shall be exempt from sale on execution issued upon a judgment rendered for manual labor, other than professional,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that the prayer of the petitioners be granted, and ask to be discharged from the further consideration of the subject.

The reasons for such recommendations are that we are of opinion that it is unjust to the laboring class that any person for whom they may render service should be allowed to defraud them of their just recompense, and at the same time be possessed of property to such an amount as provided for in said sections as they now stand, and that there is no danger in this seeming class legislation, which is in the interest of the lower classes of society and only proposes to hold the higher classes to the performance of their loyal duties towards their employes.

J. P. HOYT.

Report accepted and committee discharged.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 14, 1874. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House the following concurrent resolution:

*Resolved* (the Senate concurring), That when either House shall pass any article to a third reading, it be referred to the joint committee on arrangement and phraseology, with liberty to have the same printed; that said committee ascertain wherein the two Houses agree and disagree in their respective amendments, and report to each House accordingly; that where the two Houses are unable to agree upon any amendment, it be referred to a committee of conference on such amendment, and when both Houses shall have finally agreed upon a complete instrument, that it be printed entire and referred to



the committee on arrangement and phraseology for correction, prior to final action, and that committee have leave to report at any time ;

In the passage of which the Senate has concurred.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The concurrent resolution was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following :

SENATE CHAMBER, }  
Lansing, March 17, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved* (the House concurring), That Article XI. be referred to the joint committee on Railroads of the Senate and the House, to consider and report upon the same with all convenient speed.

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Bottomley,

The House concurred in the adoption of the resolution, and the committee on arrangement and phraseology were directed to report the same to the House.

By the committee on arrangement and phraseology :

The committee on arrangement and phraseology to whom was referred House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than municipal,

Respectfully report the same back to the House in accordance with the request.

S. H. BLACKMAN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Bottomley,

The joint resolution was referred to the committee on railroads.

The Speaker also announced the following :

SENATE CHAMBER, }  
Lansing, March 17, 1874. }

*To the Speaker of the House of Representatives :*

SIR,—I am instructed by the Senate to inform the House that the Senate has concurred in the report of the committee on arrangement and phraseology relative to Article II., and have voted to refer Sec. 7 to the committees on the judiciary of the two Houses jointly.

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Blackman,

The action of the Senate was concurred in.

## COMMUNICATIONS.

The Speaker also announced the following:

Hon. C. M. CROSWELL, *Speaker of the House of Representatives*:

SIR:—The following resolution, passed Saturday, March 14th, inst., commands my attention:

*Resolved*, That the Clerk of the House be instructed to furnish the House with the following information:

*First*, The names of all the employes of the House, including Clerk and Sergeant-at Arms. *Second*, The names of any employes of the House who are now under pay and not actually in attendance and engaged in the performance of any duty in connection with the session of the Legislature;

And I reply, first, with list of names:

Samuel F. Cook, Journal Clerk.

Lewis M. Miller, Corresponding Clerk.

John H. Marston, Enrolling Clerk.

Geo. P. Voorheis, Judiciary Committee Clerk.

Edward M. Fitch, Sergeant-at-Arms.

Henry A. Norton, Assistant Sergeant-at-Arms.

Benj. B. Baker, Postmaster.

Wm. D. Burnham, Fireman.

Bela D. Thompson, Jr., Assistant Fireman.

John Tomlinson, Keeper of Cloak-Room.

Chas. H. Wells, Speaker's Messenger.

Frank Converse, Clerk's Messenger.

Nicholas Maniates, Messenger.

David Barry, Messenger.

Van W. Coryell, Messenger.

Martin L. Frink, Messenger.

Crombie S. Cheesbro, Messenger.

Volney Moreau, Messenger.

*Second*, There are not, to my knowledge, any "under pay and not actually in attendance and engaged in the performance of duties."

It is a very well known fact that thus far there has been very little work for the engrossing and enrolling clerks, and it was for that reason that I asked Mr. Miller to assist me rather than ask the appointment of a new assistant, thereby making an addition to the pay-roll of the House, Mr. Miller, very willingly assuming the new duties from the first.

Very respectfully,

D. L. CROSSMAN,

*Clerk of House of Representatives.*

The communication was laid on the table.

## UNFINISHED BUSINESS.

Being the consideration of the following:

*Resolved* (the Senate concurring), That the Governor be and he is hereby authorized to appoint a competent and suitable person to compile the manual for the use of the Legislature of 1875.

The said manual to contain the usual statistical and other information, and the compiler to receive such reasonable compensation as may be allowed by the Legislature: *Provided*, No compensation shall be allowed or paid unless

the work shall be completed and delivered to the State printers within five days after the organization of the Legislature.

On motion of Mr. Hoyt,

The resolution was laid on the table.

GENERAL ORDER.

On motion of Mr. Withington,

The House resolved itself as into committee of the whole on the general order.

The Speaker in the chair.

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled, Salaries,

Being under consideration,

Mr. Wixson moved to amend the same by striking out, in line 1, the words "three thousand" and inserting in lieu thereof the words "two thousand;"

Which motion did not prevail.

Mr. Kipp moved to amend the joint resolution by striking out the words "three thousand" and inserting in lieu thereof the words "two thousand five hundred."

Mr. Noyes moved to amend by inserting the words "four thousand" in lieu of "three thousand;"

Which motion did not prevail.

The motion to insert "two thousand five hundred" in lieu of "three thousand" then prevailed.

Mr. Drake moved to amend the joint resolution by inserting in line 2, in lieu of "four thousand," the words "three thousand."

Mr. Rich moved to amend the amendment by making the amount "three thousand five hundred;"

Which was not agreed to.

The motion to amend did not then prevail.

Mr. Brunson moved to amend the joint resolution by striking out in line 4 the words "and five hundred."

Mr. Noyes moved to amend the amendment by striking out in line 4 the words "two thousand and five hundred," and inserting in lieu thereof the words "three thousand;"

Which was not agreed to.

The motion to amend did not then prevail.

Mr. Briggs moved to amend the joint resolution by striking out the words "shall each give his time and personal attention to the duties of his office," at the end of the section, and inserting the following: "Shall each reside during the term of his office at the seat of government, and shall personally attend to the duties of his office;"

Which motion did not prevail.

Mr. Withington moved to amend the joint resolution by striking out the words "Treasurer, the Auditor General, the Superintendent of Public Instruction, the Secretary of State, the Commissioner of the Land Office, and the Attorney General," in the last clause, and inserting in lieu thereof the word "officers."

Mr. Ripley moved to amend the amendment by inserting after the word "officers," the words "and all other officers in the State;"

Which was not agreed to.

The motion to amend then prevailed.

On motion of Mr. E. R. Miller,

The committee rose and reported as follows :

The committee of the whole have had under consideration the following entitled joint resolution :

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries,

But not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

Report accepted and committee discharged.

On motion of Mr. Brunson,

Leave was granted the committee to sit again.

On motion of Mr. Thomas,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called : quorum present.

#### REPORTS OF STANDING COMMITTEES.

By the joint committee on arrangement and phraseology :

The joint committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 1, entitled

Joint resolution proposing amendments to Art. I., and consolidating Articles I. and II. of the Constitution of the State of Michigan, entitled, Boundaries and seat of government ;

Also, House Joint Resolution No. 3, entitled

Joint resolution proposing amendments to Art. III. of the Constitution of the State of Michigan, entitled, Division of the powers of government ;

Respectfully report the same back to the two Houses, no amendments having been made to either of said articles, by either House.

MOREAU S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Blackman,

The two named joint resolutions were laid on the table.

By the joint committee on judiciary :

The joint committee on judiciary, to whom was referred House Joint Resolution No. 2, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. II. of the same, entitled, Bill of Rights,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with accompanying

amendments and recommend that they be concurred in and ask to be discharged from the further consideration of the subject.

The joint committee agree to the amendment of the House to Sec. 3; to the amendment of the Senate to Sec. 9; and to the amendment of the committee to Sec. 7, by uniting the first clause of the Sec. as adopted by the Senate, and second clause of the section as adopted by the House which Sec. reads as follows:

SEC. 7. The right of trial by jury shall remain, but shall be deemed to be waived in criminal cases in courts other than courts of record, and in civil cases in all courts, unless demanded by one of the parties in such manner as shall be prescribed by law. The Legislature may authorize, in courts not of record, a trial by a jury of less number than twelve; in all courts, in civil cases, a verdict by not less than two-thirds of the jury; and, in criminal cases, by consent of parties, a discharge of not more than one juror and a verdict by the remainder.

HENRY A. SHAW,

*Chairman of the Committee of the House.*

Report accepted and committee discharged.

On motion of Mr. Parsons,

The House concurred in the amendments made to the joint resolution by the committee.

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Lewis asked leave of absence for himself until Thursday morning;

Leave was not granted.

Mr. Hosner asked and obtained leave of absence for himself for the afternoon.

#### GENERAL ORDER.

On motion of Mr. Noyes,

The House resolved itself as into committee of the whole on the general order.

The Speaker in the chair.

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries;

Being under consideration,

Mr. Noyes moved to reconsider the vote by which the committee amended line 1, by striking out the words "three thousand," and inserting in lieu thereof the words "two thousand five hundred;".

Which motion prevailed.

The question being on amending the joint resolution,

The motion did not prevail.

Mr. Brunson moved to fix the salary of the Auditor General at two thousand instead of two thousand five hundred dollars.

Mr. Noyes moved to make the salary three thousand five hundred dollars;

Which motion did not prevail.

The motion to amend did not then prevail.

Mr. Noyes moved to amend the joint resolution so as to fix the salary of the Superintendent of Public Instruction at two thousand five hundred dollars,

Which motion did not prevail.

On motion of Mr. Brunson,

The committee rose and reported as follows:

The committee of the whole have had under consideration the following entitled joint resolution :

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled, Salaries ;

Have made an amendment thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

Report accepted and committee discharged.

On motion of Mr. Noyes,

The House concurred in the amendment made to the joint resolution by the committee.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Fey,	Mr. Lamb,	Mr. Robertson,
Bartholomew,	Garvelink,	Lewis,	Scott,
Blackman,	Gordon,	Markey,	Shaw,
Bottomley,	Grant,	E. R. Miller,	Simpson,
Buell,	Green,	Mitchell,	Speed,
Burns,	Greusel,	Morse,	Striker,
Cady,	Haire,	Noyes,	Thomas,
Chamberlain,	Harden,	Parker,	Thompson,
Cobb,	Harris,	Parsons,	Van Scoy,
Colwell,	Haywood,	Priest,	Warren,
Cook,	Hosner,	Remer,	Wheeler,
Drew,	Hoyt,	Rich,	Withington,
Edwards,	Knapp,	Ripley,	Zimmerman,
Fancher,			53

#### NAYS.

Mr. Armstrong,	Mr. Dintruff,	Mr. Kipp,	Mr. Smith,
Bailey,	Dovell,	Luce,	Taylor,
Briggs,	Drake,	R. C. Miller,	Van Aken,
Brown,	Garfield,	O'Dell,	J. Walker,
Brunson,	Gilmore,	Perry,	Welch,
Carter,	Goodrich,	Pierce,	Welker,
Collins,	Hewitt,	Robinson,	Wixson,
Curtis,	Kellogg,	Sessions,	Speaker, 32

The joint resolution was then referred to the committee on arrangement and phraseology.

The House resumed the order of

#### MOTIONS AND RESOLUTIONS.

Mr. E. R. Miller moved to take from the table

House Joint Resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative Department ;

Which motion prevailed.

Mr. Fancher moved that the joint resolution be referred to the Committee on State Affairs, with instructions to amend the same by striking out in Secs.

3 and 4 the words "Every organized county with such territory as may be attached thereto, shall be entitled to a separate representative, when it contains a population equal to a moiety of the ratio of representation," and inserting the following in lieu thereof: "And every county having a population equal to the ratio of representation, and a fraction over equal to one-third of such ratio, shall be entitled to two representatives, and so on, giving one additional member for each additional ratio, but every organized county containing a population of not less than one-third of the ratio of representation, and every two or more contiguous organized counties containing a like population, shall be entitled to a representative. Every unorganized county shall be attached to a representative district.

Mr. Burns moved to amend the instructions by substituting the following in lieu thereof:

The House of Representatives shall consist of one hundred members, to be equally apportioned to counties and districts by a ratio of population, as near as may be, each county having a ratio of representatives, and a fraction over, equal to a moiety of said ratio, shall be entitled to two Representatives, and so on above that number, giving one additional member for each additional ratio, the whole number of Representatives not to exceed one hundred and ten, by apportioning not to exceed ten additional members to such organized counties as have a population less than a moiety of the ratio of representatives, in its discretion.

Representatives shall be chosen for two years, and by single districts.

In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts, equal to the number of representatives to which each county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last enumeration.

Which was not agreed to.

The motion to refer the joint resolution, with instructions, then prevailed.

Mr. Grant moved to take from the table,

House Joint Resolution No. 13, entitled

Joint resolution proposing amendments to Art. XIII. of the Constitution of the State of Michigan, entitled, Education;

Which motion prevailed.

Mr. Noyes moved to amend the joint resolution by adding at end of Sec. 2 the words, "said board shall perform such other duties as shall be prescribed by law;

Which was not agreed to.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Hosner,	Mr. Robertson,
Armstrong,	Drew,	Hoyt,	Scott,
Bailey,	Fey,	Kipp,	Shaw,
Bartholomew,	Garfield,	Lewis,	Smith,
Brown,	Garvelink,	Markey,	Speed,
Brunson,	Gilmore,	E. R. Miller,	Striker,

Mr. Buell,	Mr. Goodrich,	Mr. Mitchell,	Mr. Taylor,
Burns,	Grant,	O'Dell,	Thompson,
Cady,	Green,	Parker,	Van Scoy,
Carter,	Greusel,	Parsons,	J. Walker,
Chamberlain,	Haire,	Perry,	Warren,
Cobb,	Harden,	Pierce,	Withington,
Collins,	Harris,	Priest,	Wixson,
Cook,	Haywood,	Ramer,	Zimmerman,
Dinturff,	Hewitt,	Rich,	59

## NAYS.

Mr. Briggs,	Mr. Gordon,	Mr. R. C. Miller,	Mr. Robinson,
Curtis,	Kellogg,	Morse,	Sessions,
Drake,	Knapp,	Noyes,	Wheeler,
Edwards,	Lamb,	Ripley,	Speaker,
Fancher,	Luce,		16

The joint resolution was referred to the committee on arrangement and phraseology.

Mr. Withington moved to take from the table

House Joint Resolution No. 15, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan to stand as Art. XV., entitled, Exemptions;

Which motion prevailed.

The question pending, being a concurrence in an amendment made to the joint resolution by the judiciary committee under instructions from the House; which amendment is as follows:

Add at the end of Sec. 1, the words, "except the debt due on a contract for manual labor, from which no property shall be exempt from such sale. This clause shall not be construed so as to apply to the debt of the labor of lawyers, doctors, lecturers, or preachers, or to a debt contracted on articles sold on credit;"

On motion of Mr. Ripley,

The amendment was amended by striking out the words "on a contract,"

Mr. Hoyt offered the following substitute for the amendment:

"Except that no property shall be so exempt from sale on execution issued upon a judgment rendered for manual labor, other than professional;"

Which was agreed to.

The report of the committee as amended was then concurred in.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Cook,	Mr. Kellogg,	Mr. Robinson,
Armstrong,	Curtis,	Kipp,	Sanderson,
Baily,	Drake,	Lamb,	Scott,
Blackman,	Fey,	Lewis,	Sessions,
Bottomley,	Garfield,	Luce,	Simpson,
Briggs,	Garvelink,	Markey,	Thompson,
Brown,	Goodrich,	E. R. Miller,	Van Aken,
Brunson,	Greusel,	R. C. Miller,	Van Scoy,
Buell,	Haire,	Noyes,	F. Walker,



Mr. Burns,	Mr. Harden,	Mr. Pierce,	Mr. J. Walker,
Oady,	Huywood,	Priest,	Welker,
Chamberlain,	Hewitt,	Rich,	Withington,
Collins,	Hoyt,	Ripley,	Wixson,
Colwell,			

53

## NAYS.

Mr. Bartholomew,	Mr. Green,	Mr. Remer,	Mr. Thomas,
Carter,	Howard,	Robertson,	A. Walker,
Cobb,	Knapp,	Rose,	Warren,
Dovell,	Lockwood,	Shaw,	Watkins,
Drew,	O'Dell,	Smith,	Welch,
Fancher,	Parker,	Speed,	Wheeler,
Gilmore,	Parsons,	Striker,	Zimmerman,
Gordon,	Perry,	Taylor,	Speaker,
Grant,			

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The joint resolution was then referred to the committee on arrangement and phraseology.

The committee on State affairs made the following report:

The committee on State affairs, to whom was referred

House Joint Resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled, Legislative department,

With instructions;

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, amended in accordance with the instructions, and ask to be discharged from the further consideration of the subject.

S. H. BLACKMAN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. E. R. Miller,

The House concurred in the amendment made to the joint resolution by the committee.

Mr. Buell moved to recommit the joint resolution to the committee on State affairs, with instructions to strike out Sec. 36, and provide for a separate submission of said section.

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and pending the taking of the vote,

Mr. Grant offered the following substitute for the instructions:

SEC. 36. The Legislature shall pass laws regulating and restraining the manufacture and sale of ardent spirits or other intoxicating liquors, and may authorize any municipality to prohibit the sale of the same within its limits; *Provided*, That no license fee or excise tax shall be fixed at less than two hundred dollars a year; *And provided further*, That any license or excise law shall prohibit the selling or giving of such ardent spirits or other intoxicating liquors, to be used as a beverage, to any intoxicated person or person in the habit of getting intoxicated; to any minor; to any ward, pupil, or student (or designated classes or persons), after notice of prohibition from the legal guardian or prescribed educational or municipal authority; or to any person or persons on Sunday, on the day of any State election, or within any municipality on the day of any municipal election.

Mr. Fancher offered the following as a substitute for the instructions :

Sec. 36. The keeping for sale or selling of intoxicating liquors, is hereby absolutely prohibited, except for chemical, mechanical, or medicinal purposes, and in such cases only as provided by law. Any person or persons violating this provision shall be deemed guilty of a felony, and on conviction shall be fined not less than two hundred dollars, and in default of the payment thereof, shall be imprisoned in the State Prison not less than two years, or until the fine is paid. All intoxicating liquors found in the possession of any person or persons contrary to these provisions, shall be deemed contraband of sound morals and good government, and subject to seizure and destruction.

Mr. Bartholomew demanded the previous question.

The demand was seconded and the main question ordered.

The first mentioned substitute for the instructions, was not then agreed to.

The second named substitute for the instructions was then withdrawn.

The motion to recommit with instructions did not then prevail, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Lamb,	Mr. Sanderson,
Bailey,	Edwards,	Lewis,	Scott,
Bartholomew,	Fey,	Lockwood,	Shaw,
Bottomley,	Garfield,	Markey,	Speed,
Buell,	Gilmore,	Mitchell,	Taylor,
Burns,	Goodrich,	Morse,	Van Scoy,
Carter,	Grant,	Parker,	Watkins,
Cobb,	Greusel,	Perry,	Withington,
Colwell,	Harris,	Remer,	Zimmerman,
Dinturff,	Haywood,	Rose,	Speaker,
Dovell,	Howard,		

42

## NAYS.

Mr. Armstrong,	Mr. Gordon,	Mr. Noyes,	Mr. Thomas,
Blackman,	Green,	O'Dell,	Thompson,
Briggs,	Haire,	Parsons,	Van Aken,
Brown,	Harden,	Pierce,	A. Walker,
Brunson,	Hewitt,	Priest,	F. Walker,
Cady,	Hoyt,	Ripley,	J. Walker,
Collins,	Kellogg,	Robinson,	Warren,
Cook,	Kipp,	Robertson,	Welch,
Curtis,	Knapp,	Sessions,	Welker,
Drake,	Luce,	Simpson,	Wheeler,
Fancher,	E. R. Miller,	Smith,	Wixson,
Garvelink,	R. C. Miller,	Striker,	

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On motion of Mr. Speed,

The joint resolution was amended by inserting after the word "Senator," in line 10, Sec. 4, the words, "No ward or township shall be divided in the formation of a Senatorial or Representative district."

Also, by striking out in line 1, Sec. 19, the word "object," and inserting the word "subject" in lieu thereof.

The question being on placing the joint resolution on the order of third reading,

It was so ordered, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,	Mr. Green,	Mr. Parsons,	Mr. Striker,
Bartholomew,	Haire,	Pierce,	Taylor,
Blackman,	Harden,	Priest,	Thomas,
Brown,	Haywood,	Ripley,	Thompson,
Brunson,	Hewitt,	Robinson,	A. Walker,
Oady,	Hoyt,	Robertson,	F. Walker,
Collins,	Kellogg,	Rose,	J. Walker,
Cook,	Kipp,	Sanderson,	Warren,
Curtis,	Knapp,	Scott,	Welch,
Fancher,	E. R. Miller,	Sessions,	Welker,
Gartfield,	R. C. Miller,	Shaw,	Wheeler,
Garvelink,	Morse,	Simpson,	Withington,
Gordon,	Noyes,	Smith,	Wixson,
Grant,	O'Dell,		

53

## NAYS.

Mr. Ackley,	Mr. Dinturff,	Mr. Harris,	Mr. Perry,
Bailey,	Dovell,	Howard,	Remer,
Bottomley,	Drake,	Lamb,	Speed,
Briggs,	Drew,	Lewis,	Van Aken,
Buell,	Edwards,	Lockwood,	Van Scoy,
Burns,	Fey,	Luce,	Watkins,
Carter,	Gilmore,	Markey,	Zimmerman,
Cobb,	Goodrich,	Mitchell,	Speaker,
Oolwell,	Greusel,	Parker,	

35

The joint resolution was then referred to the committee on arrangement and phraseology.

The House resumed the order of

## REPORTS OF STANDING COMMITTEES.

The joint committees on railroads reported as follows:

The joint committees on railroads to whom was referred,  
House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI, entitled "Corporations other than municipal;"

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, viz.: Insert in Sec. 16, line 2, after the word "railroads," the word "cemeteries," and ask to be discharged from the further consideration of the subject.

H. S. KING,

*Chairman Senate Committee.*

E. C. WATKINS,

*Chairman House Committee.*

Report accepted and committee discharged.

On motion of Mr. Thomas,

The House concurred in the amendment made to the joint resolution by the committee.

On motion of Mr. Thomas,

The joint resolution was laid on the table.

By the committee on arrangement and phraseology :

The committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 18, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVIII., entitled, Amendment and revision of the Constitution ;

Respectfully report the same back to the two Houses, with a schedule showing the amendments made to the article by each House respectively, as follows :

HOUSE AMENDMENTS.

1. Amend section 2 by inserting after the word "Senate," in line 4, the words "and House of Representatives in joint convention."

The Senate made no amendments to this article.

M. S. CROSBY,

*Chairman Senate Committee.*

S. H. BLACKMAN,

*Chairman House Committee.*

Report accepted and committee discharged.

On motion of Mr. Brunson,

The joint resolution was laid on the table.

By the committee on arrangement and phraseology :

The committee on arrangement and phraseology to whom was referred House Joint Resolution No. 5, entitled

Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled, Executive department,

Respectfully report the same back to the two Houses, with a schedule showing the amendments made to the article by each House respectively, as follows :

SENATE AMENDMENTS.

1. Amend the article by adding thereto a new section to stand as section 19, as follows :

SEC. 19. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall be the law, and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

HOUSE AMENDMENTS.

1. Amend section 15 by inserting at the end thereof the words, "except as specified in this constitution."

2. Amend the article by striking out section 16.

MOREAU S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Simpson,

The joint resolution was laid on the table.

By the committee on arrangement and phraseology :

The committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI. of the Constitution of Michigan, entitled, Judicial department,

Respectfully report the same back to the two houses, with a schedule showing the amendments made to the article by each house respectively, as follows :

#### SENATE AMENDMENTS.

1. Amend Sec. 2 by substituting therefor the following :

SEC. 2. The supreme court is continued subject to the provisions of this article. The Legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of judges so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years.

2. Amend section 5 by striking out all after the word "decisions" in line 3 of House printed form.

3. Amend Section 6 by substituting therefor the following :

SEC. 6. The Legislature to meet in the year 1875 shall divide the State into eighteen judicial circuits, which number shall not be increased before the year 1885; but the limits of any circuit may at any time be altered by the Legislature. In each of such circuits the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. No alteration of any circuit shall have the effect to remove a judge from office.

4. Amend section 7 by striking out the word "three," in line 2 of House printed form, and inserting in lieu thereof the word "four." Also, in line 3 by inserting after the words "each other" the words "and in other circuits," and by adding at the end of the section the words, "or requested by the Governor."

5. Amend section 8 by adding after the word "by," in line 9 of House printed form, the words "a circuit court commissioner or."

6. Amend the article by substituting for Sec. 9 the following :

SEC. 9. The Legislature may provide by law for the election of one or more circuit court commissioner in each organized county, who shall be vested with such judicial and ministerial powers as shall be prescribed by law.

7. Amend Sec. 11 by substituting therefor the following :

SEC. 11. When a vacancy occurs in the office of Judge of the Supreme, Circuit, or Probate Court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

8. Amend section 14 by striking out of line 3 of House printed form the words "any one or more."

#### HOUSE AMENDMENTS.

1. Amend Sec. 2 by substituting therefor the following :

SEC. 2. The supreme court is continued subject to the provisions of this article. The legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of judges, so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years. A judge of the supreme court may be assigned to hold a circuit court in cases provided by law.

2. Amend Sec. 5 by adding thereto the following:

"The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The concurring opinion of any three of said judges shall be a decision."

3. Amend Sec. 6 by substituting therefor the following:

SEC. 6. The Legislature shall divide the State into fifteen judicial circuits, and it may increase the number of circuits at the expiration of periods of six years. It may re-arrange the circuits or decrease the number of the same at any time; for each of which circuits, so established, the electors thereof shall elect one circuit judge, who shall hold his term of office for the term of six years, and until his successor is elected and qualified. No alteration of any circuit shall have the effect to remove a judge from office, provided the said judge shall still reside in the circuit of which he is judge. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this constitution for judges of the circuit court.

4. Amend Sec. 7 by inserting after the word "other," in line 5, of House printed form, the words, "or in case of vacancy."

5. Amend Sec. 8 by inserting at the end of line 6, of House printed form, the words, "and in other cases provided by law." Also by striking out the words, "exceed," in line 7 of said section, and inserting in lieu thereof the words, "extend to."

6. Amend the article by striking out section 9.

7. Amend Sec. 10 by striking out of line 2, in House printed form, the words, "appointed or."

8. Amend Sec. 11 by striking out the word "of" where it occurs after the word "appointment," and inserting in lieu thereof the word "by."

9. Amend Sec. 12 by adding at the end of said section the words, "but no judge of the supreme or circuit court shall exercise any other power of appointment to public office,"

10. Amend Sec. 14 by striking out of line 3, in House printed form, the words, "any one or more."

The two Houses have made diverse amendments to Sections 2, 5, 6, 7, 8, 9, 11, and 14, and the committee recommend that those sections be referred to the judiciary committees of the two Houses as a joint committee.

As to the House amendment to Sec. 10, the committee recommend the retention of the words stricken out, but that they be transposed so as to read, "elected or appointed," and that the two Houses amend the section accordingly.

MOREAU S. CROSBY,

*Chairman Senate Committee.*

S. H. BLACKMAN,

*Chairman House Committee.*

Report accepted and committee discharged.

On motion of Mr. Hoyt,

The joint resolution was referred to the judiciary committees of the two Houses.

On motion of Mr. Striker,

The House adjourned.

*Lansing, Wednesday, March 18, 1874.*

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Reasoner.

Roll called: quorum present.

Absent without leave, Messrs. Caplis and Eggleston.

#### PRESENTATION OF PETITIONS.

By Mr. Goodrich: petition of Hon. W. F. Goodwin, A. J. Paddock, and 51 others, of Concord, in favor of female suffrage;

Referred to the committees on elections and State affairs.

By Mr. Brunson: petition of A. Stout, G. C. Corbin, Mrs. Mary C. Strickland, and 64 other men and 104 women, of the village of St. Johns, of legal voting age, asking that the question of striking the word "male" from the clause of the constitution defining qualifications of electors be submitted to the people.

Referred to the committees on elections and State affairs.

By Mr. F. Walker: petition of C. W. Austin, Wm. Owens, and 49 others against any change in the present constitution in regard to the license of the sale of liquor:

Referred to the committee on State affairs.

#### REPORTS OF STANDING COMMITTEES.

By the joint committees on judiciary:

The joint committees on judiciary to whom was referred

House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Article VI. of the Constitution of the State of Michigan, entitled Judicial department,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendments, and recommend that they be concurred in, and ask to be discharged from the further consideration of the subject.

The Article as amended is as follows:

#### ARTICLE VI.

##### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in a supreme court, in circuit courts, probate courts, justices of the peace, and in such other courts, tribunals, and officers as are or shall be established or authorized by law.

SEC. 2. The supreme court is continued subject to the provisions of this article. The legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of judges so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years. A judge of the supreme court may be assigned to hold a circuit court in cases provided by law.

SEC. 3. The supreme court shall have a general superintending control over all other courts and tribunals; and also such appellate jurisdiction as

shall be provided by law; and to that end may issue writs of error, *certiorari*, *mandamus*, *procedendo*, prohibition, and other all appropriate writs and process. It shall also have original jurisdiction in cases of *mandamus*, *habeas corpus*, proceedings in the nature of *quo warranto*, and proceedings by *scire facias*, to vacate letters patent. Its appellate jurisdiction shall not extend to any civil cases for the recovery of money or property in which the amount or value of the thing in controversy is less than one hundred dollars, exclusive of costs, except upon the allowance of an appeal, writ of error or *certiorari* by the judge who tried such case, or by a judge of the supreme court. The concurrence of three judges of said court shall be necessary to a final decision.

SEC. 4. Four terms of the Supreme court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The Supreme Court shall have power, by general rules, to establish, and from time to time modify, the methods of procedure and the practice therein, and to appoint its clerks and a reporter of its decisions. The decisions of the Supreme Court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the Supreme Court. The concurring opinion of any three of said judges shall be a decision.

SEC. 6. The Legislature shall divide the State into seventeen judicial circuits, and it may increase the number of circuits at the expiration of periods of six years. It may re-arrange the circuits or decrease the number of the same at any time; for each of which circuits, so established, the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. No alteration of any circuit shall have the effect to remove a judge from office, provided he shall reside in the circuit for which he is judge. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this Constitution for judges of the circuit court.

SEC. 7. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and in other circuits in case of a vacancy, and shall do so when required by law or upon request of the Governor.

SEC. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution and not prohibited by law, and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and a supervisory control of the same. They shall also have power to issue writs of injunction, *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in other cases provided by law. The appellate jurisdiction of said courts shall not exceed any civil case in which the amount or value of the thing in controversy is less than twenty-five dollars, exclusive of costs, except upon allowance of an appeal or writ of *certiorari* by a circuit commissioner or the judge of the court entitled to exercise such appellate jurisdiction.

(SEC. 9. is stricken out.)

SEC. 10. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected or appointed, or a justice of the peace from the town-



ship in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, he shall be deemed to have vacated his office.

SEC. 11. When a vacancy occurs in the office of judge of the supreme, circuit, or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office during the residue of the unexpired term.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

SEC. 13. During their continuance in office, and for one year thereafter, the judges of the supreme and circuit courts shall be ineligible to any other than a judicial office.

SEC. 14. In each county organized for judicial purposes there shall be a court of probate. It shall have such probate jurisdiction, powers, and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties, as shall be provided by law.

SEC. 15. The supreme, circuit, and probate courts shall be courts of record, and shall each have a common seal.

SEC. 16. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term.

SEC. 17. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the Legislature.

SEC. 18. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

SEC. 19. The style of all process shall be: "In the name of the People of the State of Michigan."

HENRY A. SHAW, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The report was laid on the table.

By minority of the joint committee on judiciary:

A minority of the joint committee on judiciary, to whom was referred

House Joint Resolution No. 2, entitled,

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Article II. to the same, entitled Bill of rights,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do not pass and ask to be discharged from the further consideration of the subject.

The minority of the committee do not believe that it would be expedient, nor even safe; but that it would be injurious and very hazardous to permit a verdict in civil cases to be given by two-thirds of the jury.

The rights and privileges of the people are very sacred, and nothing should be put in the organic law which would open a way by which these rights might be infringed upon. Section 7 of Article II., as reported by the joint committee, permits the legislature to authorize a verdict of two-thirds of the jury in civil cases. Knowing the inclination of legislatures to exercise all the power given to them, not for any wanton purpose, but for showing the State what they can do and how ingenious they are, we are fearful that this permission—not, however, willingly,—would be promotive of harm. We believe that no such opportunities as these should be given to legislative bodies, but that everything which pertains to personal liberty and personal security should be fixed and placed as far from the fluctuations and caprices of men and legislation as possible.

There is nothing that is so true a guide for men or legislatures or governments, as the inflexible verdict of precedence and history. The Englishman, in speaking of his common law and constitution, always boasts that they are not susceptible to innovations only as demanded by the unmistakable voice of the people, and that the bulwark of English liberty has been and is the *trial by jury* (which we have adopted in this country), but in which a unanimity of a number not less than twelve has been required ever since her history has been authentic. There has never been any serious complaint against this time-honored and immemorial custom of trying men, and of requiring an unanimous verdict of twelve to convict.

There seems now to be no great reason why this innovation should be made; there are two great reasons why it should not:

1. The people not being fully conversant with the proceedings of courts and technicalities of law, feel more secure and better satisfied where their rights, even in civil cases, when a trial by jury is demanded, shall not be touched in any way except by a unanimous verdict. Unanimity satisfies the mind of the inquiring public.

2. The accused, when convicted by the unanimous verdict of twelve men, has no opportunity to complain that injustice or unfair means have been used. He and his friends accept the situation with more satisfaction than they otherwise would.

A. J. DOVELL.

Report accepted and committee discharged.

The report was laid on the table.

By the committee on ways and means:

The committee on ways and means, to whom was referred the question of mileage of the members of the House, reported the following:

	Miles.		Miles.
Mr. Parker.....	222	Mr. E. R. Miller.....	219
Dovell.....	468	Mitchell.....	102
Brown.....	309	Striker.....	124
Harden.....	214	Geo. H. Voorhies, Clerk Jud. Com.	190
Van Scoy.....	126		

JAMES BURNS, *Acting Chairman.*

## MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER, }  
Lansing, March 17, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved* (the House concurring), That when any Article of the Constitution is agreed to by both houses, the same be referred back to the committee on arrangement and phraseology, and printed under their direction, for review and final action. Also that said committee be authorized, in reporting the amendments of the two Houses, and wherein they agree and disagree, to make such recommendations as in their judgment will expedite the business before the Legislature ;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Kipp,

The House concurred in the adoption of the resolution, and in accordance therewith,

On motion of Mr. Kipp,

House Joint Resolution No. 1, entitled

Joint resolution proposing amendments to Art. I., and consolidating Articles I. and II. of the Constitution of the State of Michigan, entitled, Boundaries and seat of government ;

Also, House Joint Resolution No. 3, entitled

Joint resolution proposing amendments to Art. III. of the Constitution of the State of Michigan, entitled, Division of the powers of government ;

Also, House Joint Resolution No. 18, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVIII., entitled Amendment and revision of the Constitution ;

Were recommitted to committee on arrangement and phraseology.

## MOTIONS AND RESOLUTIONS.

Mr. Bartholomew moved to take from the table

House manuscript Joint Resolution entitled

Joint resolution proposing an amendment to Sec. 1, Art. VII., of the Constitution, in relation to the qualification of electors ;

Which motion prevailed.

The joint resolution having been read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Gordon demanded the previous question.

The demand was seconded, and the main question ordered.

The join resolution was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,  
Bailey,

Mr. Fancher,  
Ferguson,

Mr. Luce,  
E. R. Miller,

Mr. Smith,  
Taylor,

Mr. Bartholomew,	Mr. Garfield,	Mr. R. C. Miller,	Mr. Thomas,
Blackman,	Garvelink,	Mitchell,	Thompson,
Briggs,	Gilmore,	Morse,	Van Aken,
Brown,	Goodrich,	O'Dell,	Van Scoy,
Brunson,	Gordon,	Parker,	A. Walker,
Buell,	Green,	Parsons,	F. Walker,
Burns,	Haire,	Pierce,	Walton,
Cady,	Harden,	Priest,	Warren,
Carter,	Hewitt,	Remer,	Welch,
Chamberlain,	Hosner,	Rich,	Welker,
Collins,	Howard,	Robinson,	Wheeler,
Dintruff,	Hoyt,	Sanderson,	Withington,
Drake,	Kellogg,	Scott,	Wixson,
Drew,	Knapp,	Sessions,	Speaker,
Edwards,	Lamb,	Shaw,	

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## NAYS.

Mr. Ackley,	Mr. Fey,	Mr. Lockwood,	Mr. Simpson,
Bottomley,	Grant,	Mailey,	Speed,
Cobb,	Greusel,	Noyes,	Striker,
Colwell,	Harris,	Perry,	J. Walker,
Cook,	Haywood,	Ripley,	Watkins,
Curtis,	Kipp,	Robertson,	Zimmerman,
Dovell,	Lewis,	Rose,	

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The following is the joint resolution :

Joint resolution proposing an amendment to Sec. 1 of Article VII. of the Constitution, in relation to the qualification of electors.

*Resolved, By the Senate and House of Representatives of the State of Michigan, That at the election when the amended Constitution shall be submitted to the electors of this State for adoption or rejection, there shall be submitted to such electors the following propositions, to be substituted in case of adoption, for so much of Sec. 1 of Art. VII. as precedes the proviso therein, in the present Constitution of this State as it now stands, and substituted for Sec. 1. Art. VII., in said amended Constitution, if the latter is adopted, to wit:*

**SECTION 1.** In all elections, every person of the age of twenty-one years who shall have resided in this State three months, and in the township or ward in which he or she offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

*First*—Every citizen of the United States;

*Second*—Every inhabitant of this State, who shall have resided in the United States two years and six months, and declared his or her intention to become a citizen of the United States pursuant to the laws thereof, six months preceding an election;

*Third*—Every inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Said proposition shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote, to be deposited in a separate box.

Upon the ballot given for said proposition shall be written, or printed, or partly written and partly printed, the words "Woman suffrage,—Yes;" and

upon the ballots given against the adoption thereof, in like manner, the words, "Woman suffrage,—No."

If at said election a majority of the votes given upon said proposition shall contain the words "Woman suffrage,—Yes," then said proposition shall be substituted for so much of Sec. 1 of Art. VII. as includes the proviso therein in the present Constitution of this State as it now stands, or substituted for Sec. 1 of Art. VII. in said amended Constitution, if the latter is adopted.

Mr. Greusel moved that the remarks of the gentleman from Genesee, Mr. F. Walker, on the joint resolution just passed, be spread upon the journal.

Mr. Shaw moved to amend the motion by including the remarks of the gentleman from Bay, Mr. Lewis.

On motion of Mr. Welch,

The motion was laid on the table.

Mr. J. Walker offered the following:

*Resolved*, That when the House takes up the order of third reading of the proposed amendments to the Constitution, they shall be voted upon in their regular order, without debate.

Mr. Perry moved to lay the resolution on the table.

Mr. J. Walker demanded the yeas and nays.

The demand was not seconded.

The motion to lay on the table then prevailed.

Mr. Welch, unanimous consent being given, introduced

Joint resolution proposing an amendment to the preamble of the Constitution of the State of Michigan.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Welch,

The joint resolution was referred to the committee of the whole, and placed on the general order.

#### GENERAL ORDER.

On motion of Mr. Kipp,

The House went into committee of the whole on the general order,

The Speaker in the chair.

The committee had under consideration

House Joint Resolution No. 21, entitled

Joint resolution proposing an amendment to the preamble to the Constitution of the State of Michigan.

The preamble is as follows:

We, the People of the State of Michigan, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our form of government, do ordain and establish this Constitution.

Mr. Taylor moved to amend, by striking out the word "freedom," and inserting the words "for the civil, political and religious liberty which he has permitted us so long to enjoy."

Mr. Withington offered the following substitute for the preamble:

"We, the People of the State of Michigan, grateful to Almighty God for civil and religious liberty, do ordain this Constitution."

The motion to amend was then withdrawn.

Mr. Noyes moved to amend by striking out the words "for civil and religious liberty;"

Which motion did not prevail.

The substitute was then accepted and agreed to.

On motion of Mr. Gordon,  
The committee rose, and through the chairman made the following report:  
The committee of the whole have had under consideration the following entitled joint resolution:

House joint resolution No. 21, entitled

Joint resolution proposing an amendment to the preamble to the Constitution of the State of Michigan,

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

Report accepted and committee discharged.

On motion of Mr. Withington,

The House concurred in the amendments made to the joint resolution by the committee.

The question being on placing the joint resolution on the order of third reading,

It was so ordered by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Garvelink,	Mr. E. R. Miller,	Mr. Smith,
Bartholomew,	Gordon,	R. O. Miller,	Striker,
Blackman,	Grant,	Mitchell,	Taylor,
Brown,	Green,	Noyes,	Thompson,
Brunson,	Haire,	O'Dell,	Van Aken,
Burns,	Harden,	Parker,	Van Scoy,
Cady,	Haywood,	Parsons,	A. Walker,
Chamberlain,	Hewitt,	Pierce,	F. Walker,
Collins,	Hosner,	Priest,	J. Walker,
Colwell,	Howard,	Remer,	Warren,
Curtis,	Hoyt,	Rich,	Welch,
Dovell,	Kellogg,	Ripley,	Welker,
Drake,	Kipp,	Robinson,	Withington,
Fancher,	Knapp,	Robertson,	Wixson,
Ferguson,	Lewis,	Scott,	Speaker,
Garfield,	Luce,	Sessions,	

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#### NAYS.

Mr. Armstrong,	Mr. Edwards,	Mr. Markey,	Mr. Speed,
Briggs,	Gilmore,	Perry,	Thomas,
Buell,	Goodrich,	Rose,	Walton,
Cobb,	Greusel,	Sanderson,	Watkins,
Cook,	Lamb,	Shaw,	Wheeler,
Dinturff,	Lockwood,	Simpson,	Zimmerman,
Drew,			

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The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Hoyt moved to take from the table

House Joint Resolution No. 5, entitled

Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled, Executive department;

Which motion prevailed.

On motion of Mr. Shaw,

The joint resolution was amended by adding thereto a new section, to stand as Sec. 19, as follows:

SEC. 19. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall be the law, and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

The joint resolution was then referred to the committee on arrangement and phraseology.

Mr. Garfield moved to take from the table

House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI of the Constitution of Michigan, entitled Judicial department;

Which motion did not prevail.

Mr. Watkins moved to take from the table

House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than municipal,

Which motion prevailed.

Mr. Burns moved to recommit the joint resolution, with instructions to strike out Sec. 7.

Which motion did not prevail.

Mr. Speed moved to recommit the joint resolution, with instructions to add a new section, which shall incorporate Sec. 8, Art. XV., of the present Constitution in this Article.

Mr. Hoyt demanded the previous question;

The demand was seconded, and the main question ordered.

The motion to re-commit did not prevail.

Mr. Buell moved to re-commit the joint resolution with instructions to report an amendment to Sec. 9, to protect manufacturing corporations in the enjoyment of lands acquired by them prior to January 1, 1874.

Mr. Gordon demanded the previous question;

The demand was seconded and the main question ordered.

The motion to refer with instructions did not then prevail.

Mr. Shaw moved to take from the table

House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI of the Constitution of Michigan, entitled Judicial department,

Which motion prevailed.

The question pending being certain amendments reported by the committee on judiciary,

The same were concurred in.

The joint resolution as amended is as follows:

## ARTICLE VI

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in a supreme court, in circuit courts, probate courts, justices of the peace, and in such other courts, tribunals and officers as are or shall be established or authorized by law.

SEC. 2. The supreme court is continued subject to the provisions of this article. The legislature shall provide for the election of one additional judge,

so that the court shall consist of five members, and for a classification of judges, so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years. A judge of the supreme court may be assigned to hold a circuit court in cases provided by law.

SEC. 3. The supreme court shall have a general superintending control over all other courts and tribunals; and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, *certiorari*, *mandamus*, *precedendo*, prohibition, and all other appropriate writs and process. It shall also have original jurisdiction in cases of *mandamus*, *habeas corpus*, proceedings in the nature of *quo warranto*, and proceedings by *scire facias*, to vacate letters patent. Its appellate jurisdiction shall not extend to any civil case for the recovery of money or property in which the amount or value of the thing in controversy is less than one hundred dollars, exclusive of costs, except upon the allowance of an appeal, writ of error or *certiorari* by the judge who tried such case, or by a judge of the supreme court. The concurrence of three judges of said court shall be necessary to a final decision.

SEC. 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The supreme court shall have power, by general rules, to establish, and from time to time modify, the methods of procedure and the practice therein, and to appoint its clerks and a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The concurring opinion of any three of said judges shall be a decision.

SEC. 6. The Legislature shall divide the State into seventeen judicial circuits, and it may increase the number of circuits at the expiration of periods of six years. It may re-arrange the circuits or decrease the number of the same at any time; for each of which circuits, so established, the electors thereof shall elect one circuit judge, who shall hold his term of office for the term of six years, and until his successor is elected and qualified. No alteration of any circuit shall have the effect to move a judge from office, provided he shall reside in the circuit of which he is judge. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this Constitution for judges of the circuit court.

SEC. 7. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties organizing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and in other circuits in case of a vacancy, and shall do so when required by law or upon request of the Governor.

SEC. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution and not prohibited by law, and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and a supervisory control of the same. They shall also have power to issue writs of injunction, *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments, and decrees, and give them general control over minor courts and tribunals within their respective jurisdictions, and in other cases provided by



law. The appellate jurisdiction of said courts shall not extend to any civil cases in which the amount or value of the thing in controversy is less than twenty-five dollars, exclusive of costs, except upon an allowance of an appeal or writ of *certiorari* by a circuit court commissioner or the judge of the court entitled to exercise such appellate jurisdiction.

(SEC. 9 is stricken out.)

SEC. 10. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected or appointed, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, he shall be deemed to have vacated his office.

SEC. 11. When a vacancy occurs in the office of judge of the supreme, circuit, or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office during the residue of the unexpired term.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

SEC. 13. During their continuance in office, and for one year thereafter, the judges of the supreme and circuit courts shall be ineligible to any other than a judicial office.

SEC. 14. In each county organized for judicial purposes there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties, as shall be provided by law.

SEC. 15. The supreme, circuit and probate courts shall be courts of record, and shall each have a common seal.

SEC. 16. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term.

SEC. 17. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the legislature.

SEC. 18. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions,

SEC. 19. The style of all process shall be: "In the name of the People of the State of Michigan."

Mr. Grant moved to amend the joint resolution by striking out in Sec. 5, all up to and including the word "decisions" in line 3, and inserting the following in lieu thereof:

"The Supreme Court shall, by general rules, establish, modify, and amend the practice in such court and in all inferior tribunals and simplify the same, and shall appoint its clerks and reporters of its decisions;"

Which motion prevailed.

Mr. Dovell moved to amend the joint resolution by inserting between the words "*facias*" and "to" in line 7, Sec. 3, the words "and also;"

Which motion prevailed.

Mr. Hoyt moved to refer the joint resolution to the committee on the judiciary, with instructions to amend Sec. 6 by striking out of line one, the word "seventeen" and inserting in lieu thereof the word "fifteen;"

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Chamberlain,	Mr. Lamb,	Mr. Speed,
Armstrong,	Drake,	Luce,	Taylor,
Bottomley,	Drew,	Mitchell,	Van Aken,
Briggs,	Gordon,	O'Dell,	Warren,
Brown,	Harden,	Priest,	Welch,
Brunson,	Hewitt,	Rich,	Welker,
Cady,	Howard,	Robinson,	Wixson,
Carter,	Hoyt,	Sanderson,	Speaker, 32

#### NAYS.

Mr. Blackman,	Mr. Gilmore,	Mr. R. C. Miller,	Mr. Simpson,
Burns,	Goodrich,	Morse,	Smith,
Cobb,	Grant,	Noyes,	Striker,
Collins,	Green,	Parker,	Thomas,
Colwell,	Greusel,	Parsons,	Thompson,
Cook,	Harriß,	Perry,	Van Scoy,
Curtis,	Hosner,	Pierce,	A. Walker,
Dovell,	Kellogg,	Ripley,	F. Walker,
Fancher,	Kipp,	Robertson,	Walton,
Ferguson,	Knapp,	Rose,	Wheeler,
Fey,	Lewis,	Scott,	Withington,
Garfield,	Markey,	Sessions,	Zimmerman,
Garvelink,	E. R. Miller,	Shaw,	51

Mr. Shaw moved to recommit the joint resolution with instruction to amend the same by striking out in line 1, Sec. 13, the words, "and for one year thereafter;"

Which motion did not prevail.

The amendments reported by the committee were then concurred in.

The joint resolution was then referred to the committee on arrangement and phraseology.

The committee on arrangement and phraseology reported as follows:

The committee on arrangement and phraseology, to whom was referred

1. House Joint Resolution No. 7, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. VII., entitled Elective franchise;

Also,

2. House Joint Resolution No. 8, entitled

Joint resolution proposing amendments to Art. VIII. of the Constitution of the State of Michigan, entitled State officers,

Respectfully report the same back to the two Houses, with a schedule show-

ing the amendments made to the joint resolutions by each House respectively, as follows:

#### SENATE AMENDMENTS TO ART. VII.

1. Amend section 5 by adding at the end thereof the words "nor while confined in any public prison."

The House made no amendments to this article.

#### SENATE AMENDMENTS TO ART. VIII.

1. Amend section 1 by striking out the word "and," in line 3 of House printed form, and by inserting after the word "general," in the same line, the words "and an Attorney General."

2. Amend the article by striking out section 3.

The House made no amendments to this article.

The committee recommend that the House concur in the Senate amendment to section 5 of Article VII., and a majority of the committee recommend that the Senate recede from its amendments to Article VIII.

M. S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Brunson,

The House concurred in the amendment recommended by the committee to the first named joint resolution, and the two named joint resolutions were then referred to the committee on arrangement and phraseology.

By the joint committee on arrangement and phraseology:

The joint committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 14, entitled,  
Joint resolution proposing amendments to Art. XIV. of the Constitution of the State of Michigan, entitled Finance and taxation.

Respectfully report the same back to the two Houses with a schedule showing the amendments made to the article by the two Houses respectively as follows:

#### SENATE AMENDMENTS.

1. Amend section 1 by substituting the word "may" for "shall" after "Legislature," in first line.

2. Amend section 11 by inserting after the words "Sault Ste. Marie," in line 2 of House printed form, the words, "and the Portage Lake and Lake Superior ship canals."

3. Amend section 12 by inserting before the word "business" the word "or," and by striking out after the word "business" the words "and corporations."

4. Amend section 14 by substituting for the words "fifty-one," in line 2 of House printed form, the words "seventy-six."

#### HOUSE AMENDMENTS.

1. Amend section 1 by substituting the word "may" for "shall," in the first line of said section.

2. Amend section 11 by inserting after the words "Sault Ste. Marie," in line 2 of House printed form, the words "and Portage Lake and Lake Superior Ship Canal."

3. Amend section 14 by substituting for the words "fifty-one," in line 2 of House printed form, the words "seventy-six."

4. Amend section 12 by striking out the words "is or" in the last line.

The first, second, and fourth Senate amendments and the first, second, and third House amendments are identical.

The committee recommend that the House concur in the third Senate amendment, and that the Senate concur in the fourth House amendment.

M. S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The House concurred in the amendment recommended by the committee and the joint resolution was referred to the committee on arrangement and phraseology.

On motion of Mr. Speed,

The House took a recess until 3 o'clock this afternoon.

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#### AFTERNOON SESSION.

3 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed the order of

#### MOTIONS AND RESOLUTIONS.

Mr. Gordon moved to reconsider the vote by which the House refused to recommit House Joint Resolution No. 4, entitled,

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled, Legislative Department,

To the committee on State affairs, with instructions to strike out Sec. 36, and report a plan for its separate submission to a vote of the people.

On motion of Mr. Hoyt,

The motion to reconsider was laid on the table.

Mr. Ackley moved that the committee on arrangement and phraseology be instructed to report back to the House, House joint resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI. of the Constitution of Michigan, entitled Judicial Department,

Amended by inserting after the word "members," in Sec. 2, the words "to be chosen by the electors of this State ;

Which motion prevailed.

Mr. Bottomley moved that the committee be further instructed to amend the joint resolution by striking out in Sec. 2 the word "five," and inserting in lieu thereof the word "three ;"

Which motion did not prevail.

Mr. Noyes moved that the House adjourn.

Which motion did not prevail.

Mr. Cady asked and obtained leave of absence for himself until Saturday, on account of sickness.

Mr. Hosner moved that the House take a recess until 4 o'clock.

Which motion did not prevail.

By the joint committee on arrangement and phraseology:

The joint committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 12, entitled

Joint resolution proposing amendments to Art. XII. of the Constitution of the State of Michigan, entitled, Impeachments and Removals from office;

Respectfully report the same back to the two Houses with a schedule showing the amendments made to the article by each House respectively, as follows:

SENATE AMENDMENTS.

1. Amend Sec. 5 by inserting at the end of said section the words, "provision may be made by law for the suspension of a judge when the Legislature is not in session."

2. Amend Sec. 7 by substituting therefor the following:

SEC. 7. The governor shall have power, and it shall be his duty, except at such times as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointed, to suspend from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any of the following State officers, to wit: The attorney general, state treasurer, commissioner of the state land office, secretary of state, auditor general, superintendent of public instruction, or members of the state board of education, or any other officer of the State, except legislative and judicial, and report the cause of such suspension to the legislature at its next session.

The House made no amendments to this article.

The only changes in Sec. 7 are by striking out the words "and to appoint a successor for the remainder of the unexpired term of office," and by substituting the word "suspension" for "removal" in the latter part of the section. The first is superfluous, being covered by Sec. 9, and the second is a necessary verbal change.

The committee recommend that the House concur in the Senate amendments.

MOREAU S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Cady,

The House concurred in the amendments made to the joint resolution by the Senate and recommended by the committee.

The joint resolution was then referred to the committee on arrangement and phraseology.

By the joint committee on arrangement and phraseology:

The joint committee on arrangement and phraseology to whom was referred House Joint Resolution No. 15, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XV., entitled, Exemptions,

Respectfully report the same back to the two Houses with a schedule showing the amendments made to the article by each House respectively, as follows:

## HOUSE AMENDMENTS.

1. Amend section 1 by striking out of first line the words "resident of this State," and inserting in lieu thereof the words, "inhabitant of this State having a family."

2. Amend section 1 by adding thereto the words, "except that no property shall be so exempt from sale on execution issued upon a judgment rendered for manual labor other than professional."

3. Amend Sec. 2 by striking out the words "two thousand," in line 6 of House printed form, and inserting in lieu thereof the words, "fifteen hundred."

The Senate made no amendments to this article.

The committee recommend that the House transmit to the Senate for its action, the article as agreed to by the House, in the same manner as an original bill or joint resolution, and ask their concurrence.

MOREAU S. CROSBY,  
*Chairman Senate Committee.*  
S. H. BLACKMAN,  
*Chairman House Committee.*

Report accepted and committee discharged.

On motion of Mr. Kipp,

The recommendation of the committee was concurred in, and the Clerk instructed to transmit the joint resolution to the Senate, asking concurrence in the House amendments.

By the joint committee on arrangement and phraseology :

The joint committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 17, entitled,

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled Miscellaneous provisions,

Respectfully report the same back to the two houses, with a schedule showing the amendments made to the article by each house respectively, as follows ;

## SENATE AMENDMENTS.

1. Amend section 3 by striking out all of said section after the word "benefit," in line 2 of House printed form, and inserting in lieu thereof the words, "and any interest received thereon shall be appropriated as may be provided by law."

2. Amend section 10 by inserting before the word "township," in line 2 of House printed form, the word "county."

## HOUSE AMENDMENTS.

1. Amend section 3 by inserting at the end of said section the words, "but all moneys received by the State Treasurer for interest shall be credited to the general fund."

2. Amend section 6 by striking out the word "thereof," at the end of said section, and inserting in lieu thereof the words "of such improvement."

3. Amend the article by striking out section 9.

Both Houses having amended the third section of the article, the committee recommend the following as a substitute therefor :

SEC. 3. Public officers, receiving or having charge of public moneys are prohibited from using or employing the same in any manner for their private use or benefit.

And whenever any public funds are loaned or deposited the interest or other consideration received therefor shall be paid over to the general fund of the State, municipality, corporation or board to which said funds belong.

The committee recommend that the House concur in the Senate amendment to section 10, and that the Senate concur in the House amendment to section 6. Also, that the action of the House in striking out section 9 be referred to the committees on agriculture of the House and mechanical interests of the Senate, as a joint committee.

M. S. CROSBY,  
*Chairman of Senate Committee.*  
S. H. BLACKMAN,  
*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Brunson,

The House concurred in the amendments recommended to the joint resolution by the committee.

On motion of Mr. Speed,

The House concurred in the recommendation of the committee, and the joint resolution was referred to the House committee on agriculture and Senate committee on mechanical interests.

On motion of Mr. Grant,

The House took a recess until 4:15 o'clock this afternoon.

4:15 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

#### MESSAGES FROM THE SENATE

The Speaker announced the following:

SENATE CHAMBER, }  
*Lansing, March 18, 1874.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That Art. V. be referred to a joint committee of conference to consist of the committees on State affairs of the two Houses,

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES. H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Wixson,

The House concurred in the adoption of the resolution, and House Joint Resolution No. 5, entitled

Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled Executive Department,

Was referred to the joint committees on State affairs.

Mr. Perry offered the following:

*Resolved*, That the State Treasurer be requested to report to this House without delay, the names of the banks in which money belonging to the State is deposited; the amount in each, respectively, the bond or bonds taken to

secure the State from loss, the names of the signers of said bonds, and the amount of liability of each signer thereof.

Mr. Gilmore offered the following substitute for the resolution :

*Resolved*, That a committee of five be appointed to examine the accounts of the State Treasurer and report to this House, whether, in their opinion, the banks in which the funds of the State are deposited, have given ample security for the payment of the same when due.

Mr. Ripley moved to lay the resolution on the table.

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Armstrong,	Mr. Haire,	Mr. Morse,	Mr. Striker,
Burns,	Howard,	Parsons,	Taylor,
Carter,	Knapp,	Pierce,	Warren,
Cook,	Lockwood,	Ripley,	Watkins,
Drew,	Mitchell,	Sanderson,	Speaker,
Ferguson,			

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## NAYS.

Mr. Ackley,	Mr. Garfield,	Mr. Lewis,	Mr. Simpson,
Bailey,	Garvelink,	Luce,	Smith,
Bottomley,	Gilmore,	Markey,	Speed,
Briggs,	Goodrich,	E. R. Miller,	Thomas,
Brown,	Gordon,	R. C. Miller,	Thompson,
Brunson,	Grant,	Noyes,	Van Aken,
Buell,	Green,	O'Dell,	Van Scoy,
Cady,	Grensel,	Parker,	A. Walker,
Chamberlain,	Harden,	Perry,	F. Walker,
Cobb,	Harris,	Priest,	J. Walker,
Collins,	Haywood,	Remer,	Walton,
Colwell,	Hewitt,	Rich,	Welch,
Curtis,	Hosner,	Robinson,	Welker,
Dovell,	Hoyt,	Robertson,	Wheeler,
Drake,	Kellogg,	Scott,	Withington,
Edwards,	Kipp,	Sessions,	Wixson,
Fancher,	Lamb,	Shaw,	Zimmerman,
Fey,			

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Mr. Speed moved to refer the resolution to the committee on ways and means: Which motion did not prevail.

The substitute for the resolution was then agreed to.

On the adoption of the resolution as amended by the substitute,

Mr. Bottomly demanded the yeas and nays.

The demand was not seconded.

The resolution was then adopted.

The Speaker announced the following as the committee under the resolution :

Messrs. Perry, Gilmore, Burns, Howard, and Harden.

Mr. Warren asked and obtained leave of absence for himself for to-morrow.

Mr. Speed offered the following:

*Resolved*, That the Auditor General be requested to furnish this House the cost of Supreme Court Reports published since the last session of this Legis-



lature, for printing paper and binding, and if the cost includes other items, that such items be included ;

Which was adopted.

Mr. Grant moved that the subject of a form for the submission of the revised constitution to the people be referred to the committee on judiciary.

Which motion prevailed.

On motion of Mr. Grant,

The House adjourned.

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*Lansing, Thursday, March 19, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Wood.

Roll called : a quorum present.

Absent without leave, Messrs. Caplis and Eggleston.

#### PRESENTATION OF PETITIONS.

By Mr. Ferguson : Petition of J. Foust and 36 others, asking relief through Congress to homestead settlers on railroad lands ;

Also : Petition of J. S. Wallings and 61 others, for relief to homestead settlers on railroad lands ;

Referred to the committees on railroads and public lands jointly.

#### REPORTS OF STANDING COMMITTEES.

By the joint committee on agriculture of the House and mechanical interests of the Senate :

The joint committee on agriculture and mechanical interests, to whom was referred

House Joint Resolution No. 17, entitled,

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled, Miscellaneous Provisions,

With instruction to amend the same generally so far as relates to Sec. 9 thereof, which had been stricken out by the House,

Respectfully report that they have had the same under consideration, and recommend that the said Sec. 9 *remain out*, and that the Senate be asked to concur in that action.

J. WALTON,

*Ch'n House Com. on Agriculture.*

IRA H. BUTTERFIELD,

*Ch'n Senate Com. on Mechanical Interests.*

Report accepted and committee discharged.

On motion of Mr. Smith,

The House concurred in the recommendation of the committee, and the joint resolution was referred to the committee on arrangement and phraseology.

#### REPORTS OF SPECIAL COMMITTEES.

By the joint committee on salaries of officers of the two Houses :

The joint committee of Senate and House, appointed to consider the amount of salary to be allowed the officers of the legislature at this session, would

respectfully report that they have had the same under consideration, and have concluded that the same is fixed by the laws of 1873, Vol. I., pages 2 and 3, and that these salaries be as there established. And that the Secretary and enrolling clerk of the Senate, the Clerk, enrolling and engrossing clerks of the House, have performed extra labor, outside of the hours of session, of such a character and to such an amount as to entitle them to an extra compensation of two dollars per day each; and that the Secretary of the Senate and Clerk of the House have one hundred dollars each for indexing the journal.

C. V. DELAND,

*Chairman Senate Committee.*

T. A. FERGUSON,

*Chairman House Committee.*

Report accepted.

On motion of Mr. Withington,

The subject of the report was recommitted to the committee.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,

*Lansing, March 18, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following joint resolution:

House manuscript Joint Resolution, entitled

Joint resolution proposing an amendment to Sec. 1 of Art. VII., of the Constitution, in relation to the qualification of electors;

In the passage of which the Senate has concurred by a two-thirds vote of all the Senators elect.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The joint resolution was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,

*Lansing, March 18, 1874.*

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to inform the House that the Senate has voted (the House concurring) to refer Article VIII. to a committee of conference of the judiciary committees of the two Houses jointly,

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Wixson,

The action of the Senate was concurred in, and

House Joint Resolution No. 8, entitled

Joint resolution proposing amendments to Art. VIII. of the Constitution of the State of Michigan, entitled State officers,

Was referred to the joint committees on judiciary.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 18, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to inform the House that the Senate has voted to recommit Art. VI. to the committees on the judiciary of the two Houses jointly.

In which action the concurrence of the House is respectfully asked,  
Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Shaw,

The House concurred in the action of the Senate, and the joint committee on arrangement and phraseology were directed to report the same back to the House for reference.

By the committee on arrangement and phraseology :

The committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Art. VI. of the Constitution of Michigan entitled, Judicial Department,

Respectfully report the same back to the House, in accordance with their order.

S. H. BLACKMAN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The joint resolution was referred to the joint committees on judiciary.

The joint judiciary committee reported as follows :

The joint judiciary committee to whom was referred

House Joint Resolution No. 6, entitled

Joint resolution proposing amendments to Article VI. of the Constitution of the State of Michigan, entitled Judicial Department,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendments, and recommend that they be concurred in, and ask to be discharged from the further consideration of the subject.

The committee on the part of the House recommend that the House concur in the following amendments: Amend Sec. 3 by receding from its amendment which inserted the words "and also," in the seventh line, after the word "*facias* ;" also by striking out in the same line the "comma" after the same word ; also by striking out all after the word "court," in the eleventh line, to the end of the section.

Amend Sec. 7 by adding after the word "inhabitants," in the third line, the words, "and in counties having twenty thousand inhabitants, or over, there shall be at least four terms in each year."

The committee would report that the Senate judiciary committee agreed to the amendments made by the House to Secs. 2 and 5, which amendments will be found in yesterday's journal.

HENRY A. SHAW,  
*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The House concurred in the recommendations of the committee, and the joint resolution was referred to the committee on arrangement and phraseology.

#### MOTIONS AND RESOLUTIONS.

Mr. Goodrich offered the following:

*Resolved*, That the Governor be requested to communicate with the legislature, that they may have jurisdiction to act upon the so-called dog-law with a view to its repeal or amendment.

On motion of Mr. Scott,

The resolution was laid on the table.

Mr. Grant moved to reconsider the vote by which the House passed the following resolution:

*Resolved*, That a committee of five be appointed to examine the accounts of the State Treasurer and report to this house, whether, in their opinion, the banks in which the funds of the State are deposited have given ample security for the payment of the same when due.

Mr. Noyes demanded the previous question.

The demand was seconded and the main question ordered.

The motion to reconsider prevailed.

The question being on the adoption of the resolution,

Mr. Noyes demanded the yeas and nays.

The demand was not seconded.

Mr. Ripley moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Withington moved to amend the resolution so as to read as follows:

*Resolved*, That a committee of five be appointed to examine the accounts of the State Treasurer and ascertain the names of the banks in which money belonging to the State is deposited, the amount in each respectively, the bond or bonds taken to secure the State from loss, the names of the signers of said bonds, and the amount of liability of each signer thereof, and report at their discretion.

Mr. Perry moved to strike out the words "at their discretion," and insert in lieu thereof the word "forthwith;"

Which motion did not prevail.

The motion to amend did not then prevail.

Mr. Hoyt moved to reconsider the vote by which the House agreed to substitute the present resolution for the following:

*Resolved*, That the State Treasurer be requested to report to this House, without delay, the names of the banks in which money belonging to the State is deposited, the amount in each, respectively, the bond or bonds taken to secure the State from loss, the names of the signers of said bonds, and the amount of liability of each signer thereof;

Which motion prevailed.

The question being on the adoption of the last recited resolution,

Mr. Howard moved to amend the same by striking out all after the word "loss;"

Which motion did not prevail.

On the adoption of the resolution,

Mr. Rich demanded the yeas and nays.

The demand was seconded, and the resolution was adopted, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Kipp,	Mr. Robertson,
Armstrong,	Fancher,	Lamb,	Sanderson,
Baily,	Fey,	Luce,	Scott,
Blackman,	Garfield,	Markey,	Sessions,
Bottomley,	Garvelink,	E. R. Miller,	Smith,
Briggs,	Gilmore,	R. C. Miller,	Thomas,
Brown,	Goodrich,	Morse,	Van Aken,
Brunson,	Gordon,	Noyes,	Van Scoy,
Cady,	Grant,	O'Dell,	A. Walker,
Carter,	Green,	Parker,	J. Walker,
Chamberlain,	Greusel,	Perry,	Walton,
Cobb,	Harden,	Pierce,	Warren,
Collins,	Haywood,	Priest,	Welch,
Curtis,	Hosner,	Remer,	Welker,
Dinturff,	Hoyt,	Rich,	Whoe'er,
Dovell,	Kellogg,	Robinson,	Wixson,
Drake,			

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## NAYS.

Mr. Bartholomew,	Mr. Howard,	Mr. Ripley,	Mr. Taylor,
Burns,	Knapp,	Rose,	Thompson,
Cook,	Lewis,	Shaw,	F. Walker,
Edwards,	Lockwood,	Simpson,	Withington,
Ferguson,	Mitchell,	Speed,	Speaker,
Haire,	Parsons,	Striker,	

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## MESSAGE FROM THE GOVERNOR.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from his Excellency the Governor, in writing.

STATE OF MICHIGAN, }  
EXECUTIVE OFFICE, }  
Lansing, March 19, 1874. }

*To the Senate and House of Representatives :*

I have received from the Secretary of the Treasury, and from the Light-House Board, copies of acts they require passed to enable them to acquire lands upon which to erect light-houses. The appropriations for these light-houses will soon expire, and it is important that action should be had at once upon this subject. In this connection there is now no way provided by law for condemnation of land by the State for State purposes, or for the purposes of the general government, the act of 1869 in relation thereto, having been declared unconstitutional. I would suggest the passage of a general law covering this subject. The correspondence from the officers of the government above referred to accompanies this communication.

The Common Council of the city of Hastings desire authority to levy and collect in the tax of 1874 the sum of \$2,000, for the purpose of paying their city indebtedness.

The Board of Education for the city of Lansing were authorized by the vote of the inhabitants of said city, to issue \$50,000 in bonds for school purposes.

The Board find that the charter of the city gives them no power to issue these bonds, and therefore ask that it be so amended as to permit them to do it.

The Common Council of the city of St. Clair ask the aid of the Legislature in legalizing certain bonds issued by them in 1873, and which issue they discovered was made in contravention of the city charter.

The corporate authorities of the city of Monroe desire the passage of an enabling act, allowing their city to re-incorporate under the general law for the incorporation of cities. I transmit herewith their petition and statement of the case.

The village authorities of Evart desire an extension of their village limits. Their reasons will be found in their petition, which I hand herewith.

I have received a petition from citizens of Keweenaw county, asking that certain changes be made in the boundaries of Sibley township of that county, which boundaries were fixed at your last session, under, as I am informed, a misapprehension of the facts; therefore, I submit the petition for such consideration as you may deem proper.

A recent decision of the district court of the United States for the western district of this State, declares the entire assessment on non-resident lands in the county of Missaukee and a large portion of the county of Wexford invalid. Some legislation seems to be necessary to remedy this error, and I recommend that a general law be passed to cover this class of cases.

My attention has been called to Sec. 5372 of the compiled laws of 1871, and I am convinced that as the section now stands, it can be readily used to defeat the ends of justice, and complaint is made that it has been so used. I therefore call your attention to it.

I transmit herewith the petition of the officers of the township of Allegan, asking for legislation enabling them to raise money by loan for the purpose of paying judgments obtained against said township on railroad bonds heretofore issued by them.

The township of Ionia issued \$40,000 of its bonds for railroad purposes. Since the issue, the city of Ionia has been created out of the territory of the township. To enable them to pay these bonds an amendment of the charter of the city, allowing an apportionment of this debt between the city and township, is necessary.

The common council and board of water commissioners of the city of East Saginaw ask the passage of an act authorizing them to submit to the electors of said city the question of raising \$50,000 by loan for the extension of water-mains. Herewith you will find their petition and statement of facts relating thereto.

The decision of the supreme court, in what is known as the eleventh ward case of the city of Detroit, is construed as affecting the validity of the act passed at your last session extending the limits of the city of East Saginaw. Such action on your part is desired, as will if possible remedy the difficulty.

The Secretary of War having ordered a preliminary survey for the purpose of ascertaining the expense of improving the Saginaw river, the officer

making such survey having reported that the sum of \$50,000 will complete the work, the citizens of the Saginaw Valley request the passage of a joint resolution by your body, asking an appropriation by Congress for this purpose. The people of the Saginaw Valley have paid over \$200,000 towards the improvement of the river.

During your last session you passed an act entitled, "An Act to provide for the safe-keeping of the public moneys belonging to the county of Wayne, and prescribe the duties of the treasurer and the board of county auditors in relation thereto." I did not approve of it, for the reason that Sec. 1 makes the law applicable to all the counties of the State, while the title and each of the other sections apply only to the county of Wayne. There is no provision in the act protecting the county treasurer and his bondsmen against loss from the failure of a depository, in the selection of which he has no voice. Agreeing with the idea underlying the bill, namely, that the interest on county moneys should go into the treasury and not into the private funds of the treasurer, I deem it best to call your attention to this act, that, should you desire, one may be framed that will meet the objections pointed out.

The school lands in the Upper Peninsula have been withheld from market for many years. Sections 3984, 3985, 3986, and 3987 of the compiled laws of 1871, provide for an examination of these lands by an agent or agents to be selected by the Governor, so that their value may be ascertained and the lands be appraised. I cannot find any competent person who will do this work for the pay allowed by law. As it is time these lands were appraised and offered for sale, I recommend that Sec. 3987 be amended by inserting five dollars per day in place of three.

Act No. 36, session laws of 1873, granted to the board of control of swamp lands, power to appropriate towards the construction of a railroad from Mackinaw to Marquette, ten sections of swamp lands per mile, provided that such road should be constructed by Dec. 31, 1875. The financial panic of last fall so alarmed capitalists that no one dared to undertake the construction of the road, and it cannot now be taken up and completed by the time fixed. I have received a very large number of petitions from all parts of the State, asking that the time for the completion of this road be extended, which I transmit herewith.

JOHN J. BAGLEY.

The message was laid on the table.

The various subjects, and documents accompanying, were referred as follows :  
Relative to erection of light-houses, to committees on public lands and federal relations ;

Relative to city of Hastings, to committees on municipal corporations and local taxation ;

Relative to Board of Education city of Lansing, to committees on education and municipal corporations ;

Relative to city of St. Clair, to committees on municipal corporations and judiciary ;

Relative to city of Monroe, to committees on municipal corporations and private corporations ;

Relative to village of Evart, to committees on municipal corporations and private corporations ;

Relative to town ship of Sibley, to committees on towns and counties and private corporations ;

Relative to assessment of non-resident lands in Missaukee and Wexford counties, to committees on federal relations and public lands;

Relative to amendment of Sec. 5372, Comp. Laws of 1871, to committees on State affairs and judiciary;

Relative to township of Allegan, to committees on towns and counties and ways and means;

Relative to city and township of Ionia, to committees on towns and counties and ways and means;

Relative to water bonds of city of East Saginaw, to committees on municipal corporations and private corporations;

Relative to limits of city of East Saginaw, to committees on municipal corporations and private corporations;

Relative to improvement of Saginaw river, to committees on federal relations and judiciary;

Relative to safe keeping of public moneys in Wayne county, to committees on ways and means and agriculture;

Relative to school lands in Upper Peninsula, to committees on public lands and education;

Relative to the Marquette & Mackinaw Railroad, to committees on railroads and public lands;

The House took up the order of

#### NOTICES.

Mr. Rose gave notice that on some future day he would ask leave to introduce

A bill to enlarge and extend the corporate limits of the village of Evart, in the county of Osceola.

Mr. Remer gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the city of St. Clair.

On motion of Mr. Hoyt,

The rule requiring one days' previous notice for the introduction of bills was suspended.

#### INTRODUCTION OF BILLS.

Mr. Ferguson, unanimous consent being given, introduced

House bill No. 1, entitled

A bill relative to taxation.

The bill was read a first and second time by its title, and referred to the committees on federal relations and public lands.

Mr. Remer, unanimous consent being given, introduced

House bill No. 2, entitled,

A bill to legalize certain bonds issued July 1, 1873, by the city of St. Clair, for the purpose of local improvement.

The bill was read a first and second time by its title, and referred to the committees on municipal corporations and judiciary.

Mr. Fey, unanimous consent being given, introduced

House bill No. 3, entitled,

A bill to authorize the city of East Saginaw to issue bonds for the completion of water works.

The bill was read a first and second time by its title, and referred to the committees on municipal corporations and private corporations.



Mr. Harris, unanimous consent being given, introduced  
House bill No. 4, entitled,

A bill to organize the township of Grant, in Keweenaw county.

The bill was read a first and second time by its title, and referred to the committees on towns and counties and private corporations.

Mr. Harris, unanimous consent being given, introduced  
House bill No. 5, entitled

A bill to organize the township of Copper Harbor, in Keweenaw county.

The bill was read a first and second time by its title, and referred to the committees on towns and counties and private corporations.

Mr. Thomas, unanimous consent being given, introduced  
House bill No. 6, entitled

A bill to authorize the township board of the township of Allegan to issue bonds to pay any judgment that may have been or may be had against said township, and to authorize the payment of the same.

The bill was read a first and second time by its title, and referred to the committees on towns and counties and means.

Mr. Gilmore, unanimous consent being given, introduced  
House bill No. 7, entitled

A bill to amend section 3987, of the compiled laws of 1871, relative to the sale of swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands.

The bill was read a first and second time by its title, and referred to the committees on education and public lands.

The Sergeant-at-Arms announced Mr. Eggleston at the bar of the House.

On motion of Mr. Bottomly,

Mr. Eggleston was admitted within the bar, rendered an excuse, and took his seat.

Mr. Buell moved that the committee on municipal corporations be increased by the addition of three members thereto.

Which motion prevailed.

On motion of Mr. Rich,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: a quorum present.

The Sergeant-at-Arms announced Mr. Caplis at the bar of the House.

On motion of Mr. Greusel,

Mr. Caplis was admitted within the bar, rendered an excuse, and took his seat.

The House took up the order of

#### REPORTS OF STANDING COMMITTEES.

By the committees on ways and means and towns and counties:

The committees on ways and means and towns and counties to whom was referred House bill No. 6, entitled

A bill to authorize the township board of the township of Allegan to issue

bonds to pay any judgment that may have been or may be hereafter had against such township, and to authorize the payment of the same,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying substitute therefor, recommending that the substitute be concurred in, and that the substitute do pass, and ask to be discharged from the further consideration of the subject.

C. B. GRANT,

*Chairman Committee Ways and Means.*

ANDREW CLIMIE,

*Chairman Committee Towns and Counties.*

Report accepted and committee discharged.

On motion of Mr. Thomas,

The house concurred in the adoption of the substitute reported by the committee.

On motion of Mr. Grant,

The bill was placed on the order of third reading.

By the committees on education and municipal corporations :

The committees on education and municipal corporations to whom was referred the following clause in the Governor's message :

"The board of education for the city of Lansing were authorized by the vote of the inhabitants of said city, to issue \$50,000 in bonds for school purposes. The board find that the charter of the city gives them no power to issue these bonds, and therefore ask that it be so amended as to permit them to do it."

Respectfully report that they had the same under consideration, and have directed me to report the same back to the House, with the accompanying bill, entitled

House bill No. 8, entitled

A bill to amend section seven of title ten of act No. four hundred and twenty-seven of the laws of 1869, entitled "An Act to revise the charter of the city of Lansing," approved April 3d, 1869.

Recommending that the bill do pass, and ask to be discharged from the further consideration of the subject.

A. K. WARREN,

*Chairman of Com. on Education.*

J. P. HOYT,

*Acting Chairman of Com. on Mun. Corp's.*

Report accepted and committee discharged.

On motion of Mr. Warren,

The bill was placed on the order of third reading.

By the committees on municipal corporations and judiciary :

The committee on municipal corporations and judiciary, to whom was referred

House bill No. 2, entitled

A bill to legalize certain bonds issued July 1st, 1873, by the city of St. Clair, for the purposes, of local improvements,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying substitute therefor, recommending that the substitute be concurred in, and

that the substitute do pass, and ask to be discharged from the further consideration of the subject.

J. P. HOYT,

*For the Committee on Municipal Corporations and Judiciary.*

Report accepted and committee discharged.

On motion of Mr. Remer,

The House concurred in the adoption of the substitute reported by the committee.

On motion of Mr. Remer,

The bill was placed on the order of third reading.

By the joint judiciary committees:

The joint judiciary committees of conference on House joint resolution No. 8, entitled,

Joint resolution proposing amendments to Art. VIII. of the Constitution of the State of Michigan, entitled State officers,

Respectfully report that they have met the conferees on the part of the Senate, and, after free and full conference upon the subject of said disagreeing votes, the joint conferees have unanimously agreed to recommend, and do recommend to the respective Houses, as follows:

That the Senate and House of Representatives respectively recede from their disagreements to the amendments made to the joint resolution, and mutually agree to amend the said joint resolution as follows:

Amend Sec. 1 by striking out the word "and" before the words "an auditor," in the third line, and by adding after the word "general," in the same line, the words "and an attorney general;" also strike out Sec. 3.

HENRY A. SHAW,

*Chairman of the House Judiciary Committee.*

Report accepted and committee discharged.

On motion of Mr. Shaw,

The House concurred in the amendments recommended by the committee.

The joint resolution was then referred to the committee on arrangement and phraseology.

By the committees on municipal corporations and private corporations:

The committees on municipal corporations and private corporations, to whom was referred

House bill No. 3, entitled

A bill to authorize the city of East Saginaw to issue bonds for the completion of water works,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendments, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

JNO. S. RUELL,

*Acting Chairman of Com. on Munic. Corp.*

E. S. EGGLESTON,

*Chairman of Com. on Priv. Corp.*

Report accepted and committee discharged.

On motion of Mr. Fey,

The bill was placed on the order of third reading.

By the joint committee on public lands and education:

The joint committee on public lands and education, to whom was referred

House bill No. 7, entitled

A bill to amend section 3987 of the Compiled Laws of 1871, in relation to the sale of swamp and primary school lands in the Mineral Range of the Upper Peninsula heretofore withheld from market.

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

WM. SESSIONS,

*Chairman of Committee on Public Lands.*

A. K. WARREN,

*Chairman Committee on Education.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The bill was placed on the order of third reading.

By the joint committee on arrangement and phraseology :

The joint committee on arrangement and phraseology, to whom was referred House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than municipal ;

Respectfully report the same back to the two Houses, the articles as agreed to by the two houses being so diverse in their provisions, the committee recommend that they be referred to a joint special committee.

M. S. CROSBY,

*Chairman of Senate Committee.*

J. J. SPEED,

*Acting Chairman of House Committee.*

Report accepted and committee discharged.

Mr. Lockwood moved to amend the report by referring the joint resolution to the joint committees on railroads ;

Which motion prevailed.

The recommendation as amended was concurred in, and the joint resolution was referred to the joint committee on railroads.

By the joint committee on arrangement and phraseology :

The joint committee on arrangement and phraseology, to whom was referred House joint resolution No. 13, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XIII., entitled Education,

Respectfully report the same back to the two Houses with a schedule showing the amendments made to the article by each House respectively, as follows :

#### SENATE AMENDMENTS.

1. Amend section 2 by striking out all after the word "voting," in line 9 of House printed form, and inserting the following : "The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund."

2. Amend section 10 by adding thereto the following : "But fines, penalties, forfeitures, and recognizances, accruing from the violation of village or city ordinances, shall be paid into the treasury of the village or city where the same are collected; and be applied as the board of education or school board of such village or city may determine."

## HOUSE AMENDMENTS.

1. The House amendment to section 2 is identical with that of the Senate.

2. Amend the article by substituting for section 4 the following:

SEC. 4. The Boards of Control of the Reform School, the State Public School, and of the Agricultural College, shall be appointed by the Governor, by and with the consent of the Senate, and their duties shall be prescribed by law.

3. Amend section 5 by substituting the word "by" for "of," in last line.

4. Amend the article by substituting the following, to stand as section 10:

SEC. 10. All moneys belonging to the public derived from fines, penalties, forfeitures, or recognizances, imposed or taken in the several counties, cities, or townships, for any breach of the penal laws of this State, shall be paid into the county treasury and apportioned in the same manner as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of a library in each township or city, or for the support of primary schools, as the township board of any township, or board of education or school board of any city, may determine.

The committee recommend the concurrence by each House in the amendments made by the other, the Senate amendment to section 10 to be added to the House substitute.

M. S. CROSBY,

*Chairman of Senate Committee.*

J. J. SPEED,

*Acting Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Grant,

The House concurred in the amendments recommended by the committee, and the joint resolution was referred to the committee on arrangement and phraseology.

## MESSAGE FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 19, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following joint resolution:

House Joint Resolution No. 15, entitled

Joint Resolution submitting amendments to Art. XV. of the Constitution, entitled Exemptions,

Which the House amended as follows:

1. Amend section 1 by striking out of first line the words "resident of this State," and inserting in lieu thereof the words "inhabitant of this State having a family."

2. Amend section 1 by adding thereto the words, "except that no property shall be so exempt from sale on execution issued upon a judgment rendered for manual labor other than professional."

3. Amend section 2 by striking out the words "two thousand," in line 6 of House printed form, and inserting in lieu thereof the words, "fifteen hundred."

And to inform the House that the Senate has non-concurred in said amendments.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Hoyt moved that the House recede from the second named amendment; Which motion prevailed.

Mr. Hoyt moved that the House insist on the third named amendment; Which motion prevailed.

Mr. Buell moved that the House recede from the first named amendment; Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Greusel, unanimous consent being given, introduced House bill No. 12, entitled,

A bill to provide for the deposit by the county treasurer of the public moneys of the county of Wayne.

The bill was read a first and second time by its title, and

On motion of Mr. Greusel,

The bill was placed on the order of third reading.

Mr. Shaw, unanimous consent being given, introduced

House bill No. 11, entitled

A bill to amend section 124, of chapter 178, of the compiled laws of 1871, relative to courts held by justices of the peace.

The bill was read a first and second time by its title, and referred to the committees on judiciary and State affairs.

#### THIRD READING OF BILLS.

On motion of Mr. Shaw,

The rule requiring the second and third reading of bills to be on different days, was suspended, and the several bills on the order of third reading were put upon their passage.

House bill No. 6, entitled

A bill to authorize the township board of the township of Allegan to issue bonds to pay any judgment that may have been or may be hereafter had against such township, and to authorize the payment of the same,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Fancher,	Mr. Lewis,	Mr. Scott,
Armstrong,	Ferguson,	Lockwood,	Sessions,
Baily,	Fey,	Markey,	Shaw,
Bartholomew,	Garvelink,	E. R. Miller,	Simpson,
Bottomley,	Goodrich,	R. C. Miller,	Smith,
Brunson,	Gordon,	Mitchell,	Striker,
Buell,	Grant,	Morse,	Taylor,
Burns,	Green,	O'Dell,	Thomas,
Cady,	Greusel,	Parker,	Thompson,
Caplis,	Haire,	Parsons,	Van Scoy,
Carter,	Harden,	Perry,	A. Walker,
Climie,	Haywood,	Pierce,	F. Walker,
Cobb,	Hewitt,	Priest,	J. Walker,
Collins,	Hosner,	Remer,	Warren,
Cook,	Howard,	Rich,	Watkins,

Mr. Curtis, Dinturff, Drew, Edwards, Eggleston,	Mr. Hoyt, Kellogg, Kipp, Knapp, Lamb,	Mr. Ripley, Robinson, Robertson, Rose, Sanderson,	Mr. Welch, Wheeler, Withington, Wixson, Speaker,	80
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## NAYS.

Mr. Briggs, Brown, Chamberlain.	Mr. Drake, Garfield, Gilmore,	Mr. Luce, Noyes, Van Aken,	Mr. Walton, Zimmerman,	11
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The question being on agreeing to the title,

Mr. Thomas moved to amend the title so as to read as follows:

A bill to authorize the township board of the township of Allegan to borrow money for the purpose of paying any judgment that has or may be hereafter rendered against said township, and to issue bonds for the payment of the same.

Which motion prevailed.

The title as amended was then agreed to.

On motion of Mr. Thomas,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 2, entitled

A bill to legalize certain bonds issued July 1, 1873, by the city of St. Clair, for the purposes of local improvements,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Armstrong, Baily, Bartholomew, Bottomley, Brown, Brunson, Cady, Caplis, Carter, Chamberlain, Climie, Cobb, Collins, Cook, Curtis, Dinturff, Drake, Drew, Edwards, Eggleston,	Mr. Fancher, Ferguson, Fey, Garfield, Garvelink, Goodrich, Gordon, Grant, Green, Greusel, Haire, Haywood, Hewitt, Hosner, Howard, Hoyt, Kellogg, Kipp, Knapp, Lamb,	Mr. Lockwood, Lewis, Markey, E. R. Miller, R. C. Miller, Mitchell, Morse, O'Dell, Parker, Parsons, Perry, Pierce, Priest, Remer, Rich, Ripley, Robinson, Robertson, Rose, Sanderson,	Mr. Scott, Sessions, Shaw, Simpson, Striker, Taylor, Thomas, Thompson, Van Scoy, A. Walker, F. Walker, J. Walker, Warren, Watkins, Welch, Welker, Withington, Wixson, Speaker,	81
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## NAYS.

Mr. Gilmore, Noyes,	Mr. Smith,	Mr. Van Aken,	Mr. Walton,	5
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Title agreed to.

On motion of Mr. Remer,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House Bill No. 8, entitled

A bill to amend Sec. 7 of title 10 of Act No. 427 of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869,

Was read a third time, and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Kipp,	Mr. Scott,
Armstrong,	Edwards,	Knapp,	Shaw,
Baily,	Eggleston,	Lamb,	Simpson,
Bartholomew,	Fancher,	Lockwood,	Speed,
Blackman,	Ferguson,	Luce,	Striker,
Bottomley,	Fey,	Markey,	Taylor,
Brown,	Garfield,	E. R. Miller,	Thomas,
Brunson,	Garvelink,	R. C. Miller,	Thompson,
Buell,	Goodrich,	Mitchell,	Van Scoy,
Burns,	Gordon,	Morse,	A. Walker,
Caplis,	Grant,	O'Dell,	F. Walker,
Carter,	Green,	Parsons,	J. Walker,
Chamberlain,	Greusel,	Pierce,	Warren,
Climie,	Haire,	Priest,	Watkins,
Cobb,	Harden,	Remer,	Welch,
Colwell,	Haywood,	Rich,	Welker,
Cook,	Hewitt,	Ripley,	Wheeler,
Curtis,	Hosner,	Robinson,	Withington,
Dinturff,	Howard,	Robertson,	Wixson,
Dovell,	Hoyt,	Rose,	Speaker,
Drake,	Kellogg,	Sanderson,	

83

## NAYS.

Mr. Noyes,	Mr. Walton,	Mr. Zimmerman,
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3

Title agreed to.

On motion of Mr. Bartholomew,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 3, entitled,

A bill to authorize the city of East Saginaw to issue bonds for the completion of water-works,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Eggleston,	Mr. Lewis,	Mr. Scott,
Baily,	Fancher,	Lockwood,	Sessions,
Bartholomew,	Ferguson,	Luce,	Shaw,
Bottomley,	Fey,	Markey,	Simpson,
Brown,	Garfield,	E. R. Miller,	Smith,
Brunson,	Garvelink,	R. C. Miller,	Speed,
Buell,	Goodrich,	Mitchell,	Striker,
Burns,	Gordon,	Morse,	Taylor,



Mr. Cady,	Mr. Grant,	Mr. Noyes,	Mr. Thompson,
Caplis,	Green,	O'Dell,	Van Scoy,
Carter,	Greusel,	Parker,	A. Walker,
Chamberlain,	Haire,	Parsons,	F. Walker,
Climie,	Harden,	Perry,	J. Walker,
Cobb,	Harris,	Pierce,	Warren,
Collins,	Haywood,	Priest,	Watkins,
Colwell,	Hewitt,	Remer,	Welch,
Cook,	Hosner,	Rich,	Welker,
Curtis,	Howard,	Ripley,	Wheeler,
Dinturff,	Hoyt,	Robinson,	Withington,
Dovell,	Kellogg,	Robertson,	Wixson,
Drake,	Kipp,	Rose,	Zimmerman,
Drew,	Knapp,	Sanderson,	Speaker,
Edwards,	Lamb,		

## NAYS.

Mr. Gilmore, Mr. Walton,

3

Title agreed to.

On motion of Mr. Fey,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 7, entitled

A bill to amend Sec. 3987 of the compiled laws of 1871, in relation to the sale of swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Fey,	Mr. Lockwood,	Mr. Shaw,
Armstrong,	Garvelink,	Markey,	Simpson,
Bartholomew,	Gilmore,	E. R. Miller,	Smith,
Bottomley,	Goodrich,	R. C. Miller,	Speed,
Brown,	Gordon,	Mitchell,	Striker,
Brunson,	Grant,	Morse,	Taylor,
Burns,	Green,	Noyes,	Thomas,
Cady,	Greusel,	O'Dell,	Thompson,
Caplis,	Haire,	Parker,	Van Scoy,
Carter,	Harden,	Parsons,	A. Walker,
Chamberlain,	Harris,	Perry,	J. Walker,
Climie,	Haywood,	Priest,	Warren,
Cobb,	Hewitt,	Remer,	Watkins,
Collins,	Hosner,	Rich,	Welch,
Cook,	Howard,	Ripley,	Welker,
Dinturff,	Hoyt,	Robinson,	Wheeler,
Dovell,	Kellogg,	Robertson,	Withington,
Drake,	Kipp,	Sanderson,	Wixson,
Drew,	Knapp,	Scott,	Speaker,
Edwards,	Lewis,	Sessions,	

## NAYS.

Mr. Bailey,  
Fancher,

Mr. Garfield,  
Luce,

Mr. Pierce,  
Van Aken,

Mr. Walton,  
Zimmerman, 8

Title agreed to.

On motion of Mr. Warren,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

On motion of Mr. Hoyt,

The House took a recess until 4:30 this afternoon.

4:30 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called : a quorum present.

The House took up the order of

## REPORTS OF STANDING COMMITTEES.

By the committees on public lands and federal relations:

The committee on public lands and federal relations, to whom was referred the following clause of the Governor's message :

"I have received from the Secretary of the Treasury, and from the Light-House Board, copies of the acts they require passed to enable them to acquire lands upon which to erect light-houses. The appropriations for these light-houses will soon expire, and it is important that action should be had at once upon this subject. In this connection there is now no way provided by law for condemnation of land by the State for State purposes, or for the purposes of the general government, the act of 1869 in relation thereto, having been declared unconstitutional. I would suggest the passage of a general law covering this subject. The correspondence from the officers of the government above referred to accompanies this communication ;"

Respectfully report that they have had the same under consideration, and have directed me to report to the House, the accompanying bills :

House bill No. 9, entitled

"A bill conveying submarine sites for light-houses, and other aids to navigation ;"

Also :

House bill No. 10, entitled

A bill to cede jurisdiction to the United States on certain lands, and for the purchase and condemnation thereof ;

Recommending that the bills do pass, and ask to be discharged from the further consideration of the subject.

T. C. RIPLEY,

*Chairman Com. Fed. Relations.*

Wm. SESSIONS,

*Chairman Com. Public Lands.*

The two named bills were read a first and second time by their titles, and

On motion of Mr. Ripley,

The two bills were placed on the order of third reading.

By the committees on towns and counties and private corporations :

The committees on towns and counties and private corporations, to whom was referred

House bill No. 1, entitled

A bill relative to taxation;

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

ANDREW CLIMIE,

*Chairman Com. Towns and Villages.*

E. S. EGGLESTON,

*Chairman Com. Private Corporations.*

Report accepted and committee discharged.

On motion of Mr. Climie,

The bill was placed on the order of third reading.

By the joint committee on State affairs:

The joint committee on State affairs, to whom was referred

House Joint Resolution No. 5, entitled

Joint resolution proposing amendments to Art. V. of the Constitution of the State of Michigan, entitled, Executive department;

Respectfully report that they have had the same under consideration, and that the only disagreement between the Senate and the House consists in the action of the House in striking out Sec. 16 of said article, in which the Senate have refused to concur. The joint committee recommend that the House recede from its action in striking out the section.

C. E. MARKEY,

*Chairman Senate Committee.*

S. H. BLACKMAN,

*Chairman House Committee.*

Report accepted.

On motion of Mr. Cady,

The House concurred in the recommendation of the committee and receded from its amendment.

The joint resolution was then referred to the committee on arrangement and phraseology.

#### COMMUNICATIONS FROM STATE OFFICERS. I

AUDITOR GENERAL'S OFFICE, {  
Lansing, March 19, 1874. }

Hon. C. M. CROSWELL, *Speaker of the House of Representatives, Lansing, Michigan:*

SIR,—I have the honor to acknowledge the receipt of the following resolution, adopted by the House on the 18th, viz.:

*Resolved,* That the Auditor General be requested to furnish this House the cost of the Supreme Court Reports published since the last session of this Legislature; for printing, paper, and binding, and if the cost includes other items, that such items be included.

In reply to the above resolution, I find that there has been charged in account upon the books of this office against the volumes of Supreme Court Reports issued since the last session of this Legislature—

	Paper.	Printing.	Binding.	Total for each Vol.
24 Vol.-----	\$562 65	\$797 60	\$1,464 00	\$2,824 25
25 "-----	798 60	814 72	1,014 00	2,627 32
26 "-----	544 50	800 25	500 00	1,844 75

I have no means of knowing whether bills for all of the paper, printing, or binding of the several volumes above designated have been presented for payment, but judge from the accounts that they have not. If such is the fact then the above amounts do not represent the cost of the volumes but the portion thereof for which accounts have been presented and paid.

Very respectfully,

WM. HUMPHREY,  
*Auditor General.*

The communication was laid on the table.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER, }  
*Lansing, March 19, 1874.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following joint resolution:

Senate manuscript joint resolution, entitled,

Joint resolution asking Congress to aid in the improvement of the navigation of the Saginaw river;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and,

On motion of Mr. Fey,

The joint resolution was placed on the order of third reading.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 19, 1874.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following bills:

1. Senate manuscript bill, entitled

A bill to authorize the common council of the city of Hastings to assess, levy, and collect a special tax to pay existing indebtedness;

2. A bill to provide for the return of votes for Representative in certain wards in the city of East Saginaw, Mich.;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The two named bills were read a first and second time by their titles, and,

On motion of Mr. Fey,

The bills were placed on the order of third reading.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 19, 1874.* }

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to return to the House the following bills:

## 1. House bill No. 8, entitled

A bill to amend section seven, of title ten, of act number four hundred and twenty-seven, of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869.

## 2. House bill No. 2, entitled

A bill to legalize certain bonds issued July 1st, 1873, by the city of St. Clair, for the purpose of local improvements.

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The two named bills were referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 19, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill: House bill No. 3, entitled

A bill to authorize the city of East Saginaw to issue bonds for the completion of water works;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following;

SENATE CHAMBER,  
Lansing, March 19, 1874. }

*To the Speaker of the House of Representatives:*

Sir—I am instructed by the Senate to re-return to the House the following joint resolution:

House Joint Resolution No. 15, entitled

Joint resolution proposing amendments to Art. XV., of the constitution of the State of Michigan, entitled Exemptions,

Which the House amended by striking out in line 6 of Sec. 2 the words "two thousand," and inserting in lieu thereof the words "fifteen hundred,"

And to inform the House that the Senate has refused to reconsider the vote by which it non-concurred in said amendment, and that the Senate requests a committee of conference relative to the disagreement between the two Houses.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

Mr. Withington moved that the request of the Senate be granted and a committee of conference be appointed,

Which motion prevailed.

The Speaker announced as such committee, Messrs. Withington, Ripley, and Van Aken.

## NOTICES.

Mr. Remer gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the village of Algonac, St. Clair county.

## THIRD READING OF BILLS.

On motion of Mr. Shaw,

The rule requiring the second and third reading of bills to be on different days, was suspended, and the bills on the order of third reading were put upon their passage.

Senate manuscript bill, entitled,

A bill to authorize the common council of the city of Hastings to assess, levy, and collect a special tax to pay existing indebtedness,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Edwards,	Mr. Lewis,	Mr. Sessions,
Armstrong,	Eggleston,	Luce,	Shaw,
Blackman,	Fancher,	Markey,	Simpson,
Bottomley.	Ferguson,	E. R. Miller,	Smith,
Brown,	Fey,	R. C. Miller,	Speed,
Brunson,	Garfield,	Mitchell,	Striker,
Burns,	Garvelink,	Morse,	Taylor,
Cady,	Goodrich,	Noyes,	Thompson,
Caplis,	Grant,	O'Dell,	Van Aken,
Carter,	Green,	Parker,	Van Scoy,
Chamberlain,	Greusel,	Parsons,	J. Walker,
Climie,	Haire,	Perry,	Walton,
Cobb,	Harden,	Pierce,	Warren,
Collins,	Harris,	Priest,	Welch,
Colwell,	Haywood,	Remer,	Welker,
Cook,	Hewitt,	Rich,	Wheeler,
Curtis,	Hoyt,	Ripley,	Withington,
Dinturff,	Kellogg,	Robinson,	Wixson,
Dovell,	Kipp,	Robertson,	Zimmerman,
Drake,	Knapp,	Scott,	Speaker,
Drew,	Lamb,		

83

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## NAYS.

Title agreed to.

On motion of Mr. Striker,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate manuscript bill, entitled

A bill to provide for the return of votes for Representative in certain wards in the city of East Saginaw, Michigan,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drake,	Mr. Kipp,	Mr. Scott,
Armstrong,	Drew,	Knapp,	Sessions,

Mr. Baily,	Mr. Edwards,	Mr. Lamb,	Mr. Shaw,
Blackman,	Eggleston,	Lewis,	Simpson,
Bottomly,	Fancher,	Luce,	Smith,
Briggs,	Ferguson,	Markey,	Speed,
Brown,	Fey,	E. R. Miller,	Taylor,
Brunson,	Garvelink,	R. C. Miller,	Thomas,
Burns,	Gilmore,	Mitchell,	Thompson,
Cady,	Goodrich,	Morse,	Van Aken,
Caplis,	Gordon,	Noyes,	Van Scoy,
Carter,	Grant,	O'Dell,	J. Walker,
Chamberlain,	Green,	Parker,	Walton,
Climie,	Greusel,	Parsons,	Warren,
Cobb,	Haire,	Perry,	Welch,
Collins,	Harden,	Pierce,	Welker,
Colwell,	Harris,	Priest,	Wheeler,
Cook,	Haywood,	Remer,	Withington,
Curtis,	Hewitt,	Rich,	Wixson,
Dinturff,	Hoyt,	Robertson,	Zimmerman,
Dovell,	Kellogg,	Robinson,	Speaker,
			48
			0

NAYS.

Title agreed to.

Senate manuscript joint resolution, entitled

Joint resolution asking Congress to aid in the improvement of the navigation of the Saginaw river,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Kipp,	Mr. Robertson,
Armstrong,	Edwards,	Knapp,	Scott,
Bailey,	Eggleston,	Lamb,	Sessions,
Bottomley,	Fancher,	Lewis,	Shaw,
Briggs,	Ferguson,	Luce,	Simpson,
Brown,	Fey,	Markey,	Smith,
Brunson,	Garfield,	E. R. Miller,	Speed,
Buell,	Garvelink,	R. C. Miller,	Striker,
Burns,	Gilmore,	Mitchell,	Taylor,
Cady,	Goodrich,	Morse,	Thomas,
Caplis,	Gordon,	Noyes,	Thompson,
Carter,	Grant,	O'Dell,	Van Aken,
Chamberlain,	Green,	Parker,	Van Scoy,
Climie,	Greusel,	Parsons,	J. Walker,
Cobb,	Haire,	Perry,	Warren,
Collins,	Harden,	Pierce,	Welch,
Colwell,	Harris,	Priest,	Welker,
Cook,	Haywood,	Remer,	Wheeler,
Curtis,	Hewitt,	Rich,	Withington,
Dintruff,	Hoyt,	Ripley,	Zimmerman,
Dovell,	Kellogg,	Robinson,	Speaker,
Drake,			

NAYS.

Mr. Wixson,  
Title and preamble agreed to.

House bill No. 1, entitled

A bill relative to taxation,

Was read a third time, and pending the taking of the vote on the passage thereof,

On motion of Mr. Green,

The bill was laid on the table and ordered printed.

House bill No. 12, entitled

A bill to provide for the deposit of the public moneys by the county treasurer of the county of Wayne,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Edwards,	Mr. Knapp,	Mr. Sessions,
Armstrong,	Fancher,	Lamb,	Shaw,
Bailey,	Ferguson,	Luce,	Simpson,
Bartholomew,	Fey,	Markey,	Smith,
Blackman,	Garfield,	E. R. Miller,	Speed,
Briggs,	Garvelink,	R. C. Miller,	Striker,
Brown,	Gilmore,	Mitchell,	Taylor,
Branson,	Goodrich,	Morse,	Thompson,
Buell,	Gordon,	Noyes,	Van Aken,
Burns,	Grant,	O'Dell,	Van Scoy,
Cady,	Green,	Parker,	J. Walker,
Caplis,	Greusel,	Parsons,	Walton,
Carter,	Haire,	Perry,	Warren,
Climie,	Harden,	Pierce,	Welch,
Cobb,	Harris,	Priest,	Welker,
Collins,	Haywood,	Remer,	Wheeler,
Cook,	Hewitt,	Rich,	Withington,
Curtis,	Hosner,	Robinson,	Wixson,
Diuturff,	Kellogg,	Robertson,	Zimmerman,
Dovell,	Kipp,	Scott,	Speaker,
Drew,			

81

#### NAYS.

Mr. Chamberlain,	Mr. Drake,	Mr. Hoyt,	Mr. Thomas,	4
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Title agreed to.

House bill No. 9, entitled

A bill concerning submarine sites for light-houses and other aids to navigation;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Luce,	Mr. Shaw,
Armstrong,	Edwards,	Markey,	Simpson,
Bailey,	Fancher,	E. R. Miller,	Smith,
Bartholomew,	Ferguson,	R. C. Miller,	Speed,
Blackman,	Fey,	Mitchell,	Striker,
Briggs,	Garfield,	Morse,	Taylor,
Brown,	Garvelink,	Noyes,	Thomas,
Brunson,	Goodrich,	O'Dell,	Thompson,



Mr. Buell,	Mr. Gordon,	Mr. Parker,	Mr. Van Aken,
Burns,	Grant,	Parsons,	Van Scoy,
Cady,	Green,	Perry,	J. Walker,
Caplis,	Greusel,	Pierce,	Walton,
Carter,	Haire,	Priest,	Warren,
Climie,	Harden,	Remer,	Welch,
Cobb,	Harris,	Rich,	Welker,
Collins,	Haywood,	Ripley,	Wheeler,
Cook,	Hewitt,	Robinson,	Withington,
Curtis,	Hoyt,	Robertson,	Wixson,
Dinturff,	Kellogg,	Scott,	Zimmerman,
Dovell,	Kipp,	Sessions,	Speaker,
Drake,	Kuapp,		

83

0

NAYS.

Title agreed to.

On motion of Mr. Ripley,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 10, entitled

A bill to cede jurisdiction to the United States on certain lands and for the purchase and condemnation thereof,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Ackley,	Mr. Drake,	Mr. Kipp,	Mr. Sessions,
Armstrong,	Edwards,	Kuapp,	Shaw,
Bailey,	Fancher,	Markey,	Simpson,
Bartholomew,	Ferguson,	R. C. Miller,	Smith,
Briggs,	Fey,	Mitchell,	Striker,
Brown,	Garfield,	Noyes,	Taylor,
Brunson,	Garvelink,	O'Dell,	Thomas,
Burns,	Goodrich,	Parsons,	Thompson,
Cady,	Gordon,	Perry,	Van Scoy,
Caplis,	Grant,	Pierce,	J. Walker,
Carter,	Green,	Priest,	Warren,
Climie,	Greusel,	Remer,	Welch,
Cobb,	Haire,	Rich,	Welker,
Collins,	Harden,	Ripley,	Wheeler,
Cook,	Harris,	Robinson,	Withington,
Curtis,	Hewitt,	Robertson,	Zimmerman,
Dinturff,	Hoyt,	Scott,	Speaker,
Dovell,	Kellogg,		

70

NAYS.

Mr. Gilmore,	Mr. Luce,	Mr. Van Aken,	Mr. Walton,
Haywood,	Parker,		

6

Title agreed to.

On motion of Mr. Ripley,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Grant offered the following:

*Resolved* (the Senate concurring), That from and after Saturday, March 21, 1874, at 10 o'clock A. M., the two Houses will transact no business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journals of the proper Houses by the Secretary and Clerk, and the time of final adjournment of this Legislature shall be on Tuesday, the 24th day of March, 1874, at 12 o'clock noon of that day.

Laid over for one day under the rules.

On motion of Mr. Cady,

The House adjourned.

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*Lansing, Friday, March 20, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Reasoner.

Roll called: a quorum present.

The House took up the order of

MOTIONS AND RESOLUTIONS.

Mr. Scott offered the following:

*Resolved*, That the business of this House be confined to the Constitution until that is perfected, and after the said Constitution is perfected the balance of the time be given to local legislation;

Which was not adopted.

Mr. Hoyt offered the following:

*Resolved*, That the committee on printing be, and they are hereby instructed to report a bill or joint resolution providing for some method of publishing the amendments to the Constitution proposed at the present session of this Legislature and the compensation to be paid therefor.

Which was adopted.

REPORTS OF STANDING COMMITTEES.

By the committees on towns and counties and private corporations:

The committees on towns and counties and private corporations, to whom was referred

House bill No. 4, entitled,

A bill to organize the township of Grant, in Keweenaw county,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

ANDREW CLIMIE,

*Chairman Committee on Towns and Counties.*

E. S. EGGLESTON,

*Chairman Committee on Private Corporations.*

Report accepted and committee discharged.

On motion of Mr. Grant,

The bill was placed on the order of third reading.

By the committees on towns and counties and private corporations:  
The committees on towns and counties and private corporations, to whom was referred

House bill No. 5, entitled,

A bill to organize the township of Copper Harbor, in Keweenaw county,  
Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

ANDREW CLIMIE,

*Chairman Committee on Towns and Counties.*

E. S. EGGLESTON,

*Chairman Committee of Private Corporations.*

Report accepted and committee discharged.

On motion of Mr. Grant,

The bill was placed on the order of third reading.

#### REPORTS OF SPECIAL COMMITTEES.

The special committee of conference appointed to consider the disagreement existing between the two Houses upon Sec. 2 of Article XV., entitled "Exemptions,"

Respectfully report that they have had the same under consideration and recommend that the Senate do recede from its action in refusing to concur in the amendment made by the House to said section, and ask to be discharged from further consideration of the subject.

JAMES M. GOODELL,

*Chairman of Senate Committee.*

W. H. WITHINGTON,

*Chairman of House Committee.*

Report accepted and committee discharged.

#### MESSAGE FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE, }  
Lansing, March 20, 1874. }

*To the Senate and House of Representatives:*

The mayor and other citizens of the city of Port Huron ask for the passage of an act amendatory of the act to authorize board of public works in and for city of Port Huron, passed at your last session. The defect complained of seems to be a serious one, and I therefore call your attention to it.

The officers of the village of Algonac, in the county of St. Clair, represent to me, by petition, that they have lost the records of the board of supervisors of St. Clair county incorporating the village of Algonac, and ask for such legislation as may, in your judgment, be advisable.

JNO. J. BAGLEY.

The message was laid on the table.

The recommendation relative to the city of Port Huron was referred to the committee on municipal corporations and private corporations.

The recommendation relative to the village of Algonac was referred to the committees on towns and counties and municipal corporations.

## MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 19, 1874. }

*To the Speaker of the House:*

SIR—I am instructed by the Senate to inform the House that the Senate has voted (the House concurring) to refer the Art. XI. to the committees on railroads of the two Houses jointly.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The message was laid on the table.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That Art. XVII. on Miscellaneous provisions, be referred to the joint committee of the two Houses, on State prison,

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Kipp,

The House concurred in the adoption of the resolution, and the article was referred as desired.

## INTRODUCTION OF BILLS.

Mr. Remer, previous notice being given, introduced House bill No. 13, entitled,

A bill to amend the charter of the city of St. Clair.

The bill was read a first and second time by its title, and referred to the committees on municipal corporations and judiciary.

Mr. Rose, previous notice being given, introduced House bill No. 14, entitled

A bill to enlarge and extend the corporate limits of the village of Evart, in the county of Osceola.

Mr. Ferguson, unanimous consent being given, introduced

House Joint Resolution No. 1, entitled

House joint resolution asking our Senators and Representatives in Congress for relief through the general government to homestead settlers on railroad lands.

The joint resolution was read a first and second time by its title, and referred to the committees on federal relations and judiciary.

## THIRD READING OF BILLS.

House bill No. 4, entitled

A bill to organize the township of Grant, in Keweenaw county,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Eggleston,	Mr. Knapp,	Mr. Shaw,
Armstrong,	Fancher,	Lewis,	Smith,
Baily,	Ferguson,	Lockwood,	Speed,
Bottomly,	Fey,	Luce,	Striker,
Briggs,	Garfield,	Markey,	Taylor,
Brown,	Garvelink,	E. R. Miller,	Thomas,
Brunson,	Gilmore,	R. C. Miller,	Thompson,
Burns,	Goodrich,	Mitchell,	Van Aken,
Cady,	Grant,	Morse,	Van Scoy,
Caplis,	Green,	O'Dell,	A. Walker,
Carter,	Greusel,	Parker,	F. Walker,
Chamberlain,	Haire,	Parsons,	J. Walker,
Climie,	Harden,	Pierce,	Walton,
Cobb,	Haywood,	Priest,	Warren,
Collins,	Hertzler,	Remer,	Watkins,
Cook,	Hewitt,	Robinson,	Welker,
Curtis,	Hosner,	Robertson,	Wheeler,
Dinturff,	Howard,	Rose,	Withington,
Drake,	Hoyt,	Sanderson,	Wixson,
Drew,	Kellogg,	Scott,	Zimmerman,
Edwards,	Kipp,		

## NAYS.

82  
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Title agreed to.

On motion of Mr. Grant,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 5, entitled

A bill to organize the township of Copper Harbor, in Keweenaw county,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Edwards,	Mr. Knapp,	Mr. Simpson,
Armstrong,	Eggleston,	Lewis,	Smith,
Bartholomew,	Fancher,	Lockwood,	Speed,
Blackman,	Ferguson,	Luce,	Striker,
Bottomley,	Fey,	Markey,	Taylor,
Briggs,	Garfield,	E. R. Miller,	Thomas,
Brown,	Garvelink,	R. C. Miller,	Thompson,
Brunson,	Gilmore,	Mitchell,	Van Aken,
Buell,	Goodrich,	Morse,	Van Scoy,
Burns,	Grant,	Noyes,	A. Walker,
Cady,	Green,	O'Dell,	F. Walker,
Carter,	Greusel,	Parker,	J. Walker,
Chamberlain,	Haire,	Parsons,	Walton,
Climie,	Harden,	Pierce,	Warren,
Cobb,	Haywood,	Priest,	Watkins,
Collins,	Hertzler,	Rich,	Welch,
Cook,	Hewitt,	Robinson,	Wheeler,
Curtis,	Hosner,	Robertson,	Withington,
Dinturff,	Howard,	Rose,	Wixson,

Mr. Dovell,  
Drake,  
Drew,

Mr. Hoyt,  
Kellogg,  
Kipp,

Mr. Sanderson,  
Scott,  
Shaw,

Mr. Zimmerman,  
Speaker,

87.

NAYS.

0

Title agreed to.

On motion of Mr. Grant,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

#### MOTIONS AND RESOLUTIONS.

Mr. E. R. Miller offered the following:

WHEREAS, It is important for the interests of the people of the State that the cheapest and best possible means of transportation shall be secured between the East and the West, and especially between this State and the East;

AND WHEREAS, The Central road and the roads throughout Canada furnish the most direct route, by a great many miles, between a very large part of the State and New York and New England, which are the great markets for western productions, and may, it is believed, be made the cheapest;

AND WHEREAS, It is of the utmost importance to the State that the shortest and the best, and cheapest route should exist as a basis of competition for all other routes, and that then there should be the freest and fullest opportunities for competition against and with it for the benefit of the State;

AND WHEREAS, To complete the shortest route, by far, and facilitate transportation, a bridge at Detroit, across the river, is a necessity, thus securing safe and quick and cheap transportation across the river, therefore,

*Resolved* (the Senate concurring), That the construction of such a bridge as will accommodate the passage of railway trains, but with two such draws with four spans of from 166 to 200 feet in width as will accommodate the interests of navigation in the easy passage and re-passage of vessels navigating the lakes, is of the utmost importance.

Laid over for one day under the rule.

#### UNFINISHED BUSINESS.

Being the consideration of the following:

*Resolved* (the Senate concurring), That from and after Saturday, March 21, 1874, at 10 o'clock A. M., the two Houses will transact no business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journals of the proper Houses by the Secretary and Clerk, and the time of final adjournment of this Legislature shall be on Tuesday, the 24th day of March, 1874, at 12 o'clock noon of that day;

Which was adopted.

The Speaker announced as the additional members of the committee on municipal corporations, under the resolution of yesterday, as Messrs. Grant, Scott and Climie.

The joint committee on arrangement and phraseology, to whom was referred

Art. X., of municipal corporations,

Respectfully report the same back to the two Houses, with a schedule showing the amendments made by each House respectively, as follows:

## SENATE AMENDMENTS.

1. Amend Sec. 3 by striking out the words "and one-half" and by striking off the letter "s" from the word "mills," in line 2 of house printed form; also by substituting the word "two" for "three," in line four.

2. Amend Sec. 5 by striking out all after the word "law," in line 3, to and including the word "Senate," in line 5.

3. Amend Sec. 15 by adding at the end thereof the words "unless authorized by a majority of the electors residing within such corporation voting thereon, as may be prescribed by law."

4. Amend Sec. 16 by adding after the word "the," in first line, the word "judicial."

## HOUSE AMENDMENTS.

1. Amend Sec. 3 by adding before the word "borrow," in line 1 of House printed form, the words "by a vote of two-thirds of their whole number."

2. Amend Sec. 5 by adding after the words "register of deeds" the words "one or more circuit court commissioners;" also by striking out all after the word "law," in line 3 of House printed form, to and including the word "Senate," in line 5.

3. Amend Sec. 13 by striking out the word "three," in line 4 of House printed form, and inserting in lieu thereof the word "one," and by striking out the letter "s" from the word "years," in said line; also by inserting after the words "school inspector," in said line, the words "who shall hold his office for two years."

4. Amend Sec. 16 by adding the word "chief" before the word "executive," in first line, and by adding after the word "villages," in said line, the words "and inspectors of schools lying within their corporate limits;" also by striking out all of said section after the word "elected," in said first line, so that the section, as amended, shall read as follows:

Sec. 16. The chief executive and legislative officers of cities and villages, and inspectors of schools lying within their corporate limits, shall be elected.

The committee recommend that the Senate concur in the House amendments to Secs. 5 and 13, and that the House concur in the Senate amendments to Secs. 3 and 15, and that the House recede from its amendment to Sec.

3. The amendments of both Houses to Sec. 16 are nearly the same; the committee recommend that the House concur in Senate amendment.

Respectfully submitted.

MOREAU S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted.

On motion of Mr. Speed,

The House concurred in the amendments recommended by the committee, and the joint resolution was referred to the joint committee on arrangement and phraseology.

The joint committee on arrangement and phraseology, to whom was referred Art. IX., of Salaries, have had the same under consideration, and respectfully report the same back to the two houses, with their action thereon.

The Article as proposed by the two houses is as follows:

## ARTICLE AS PROPOSED BY THE SENATE.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars; the Circuit Judges shall receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of two thousand five hundred dollars; the Auditor General shall receive an annual salary of two thousand five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand dollars; the Secretary of State shall receive an annual salary of two thousand dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand dollars; the Attorney General shall receive an annual salary of two thousand five hundred dollars; they shall receive no fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase or diminish the salaries herein provided. The Auditor General, the Superintendent of Public Instruction, the Secretary of State, the Commissioner of the Land Office, and the Attorney General, shall each reside, during the term of his office, at the seat of Government, and shall personally superintend the duties of his office.

## ARTICLE AS PROPOSED BY THE HOUSE.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars; the Judges of the Supreme Court shall receive an annual salary of four thousand dollars; the Judges of the Circuit Courts shall each receive an annual salary of two thousand and five hundred dollars; the State Treasurer shall receive an annual salary of two thousand and five hundred dollars; the Auditor General shall receive an annual salary of two thousand and five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand dollars; the Secretary of State shall receive an annual salary of two thousand dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand dollars; the Attorney General shall receive an annual salary of two thousand and five hundred dollars; they shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase or diminish the salaries herein provided. The State officers shall each give his time and personal attention to the duties of his office.

The committee unanimously recommend the adoption of the Senate Article, except as it omits salaries of judges of the supreme court, as to which a majority of the committee dissents.

Respectfully submitted.

MOREAU S. CROSBY,

*Chairman of Senate Committee.*

S. H. BLACKMAN,

*Chairman of House Committee.*

Report accepted.

Mr. Welker moved that the House concur in the provisions of the Senate article relative to the residence of certain State officers at the seat of government.

Mr. Hoyt demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Bailly,  
Blackman,  
Bottomley,

Mr. Curtis,  
Dinturff,  
Dovell,

Mr. Luce,  
Markey,  
R. C. Miller,

Mr. Sessions,  
Speed,  
Taylor,



Mr. Briggs, Brown, Cady, Caplis, Carter, Chamberlain, Climie, Collins,	Mr. Drake, Garvelink, Haire, Harden, Haywood, Hewitt, Kellogg, Lamb,	Mr. O'Dell, Perry, Pierce, Rich, Robinson, Robertson, Sanderson, Scott,	Mr. Van Aken, Van Scoy, J. Walker, Warren, Welker, Wixson, Speaker,	43
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## NAYS.

Mr. Ackley, Armstrong, Brunson, Buell, Burns, Cobb, Cook, Drew, Edwards, Eggleston, Fancher, Ferguson, Fey,	Mr. Garfield, Gilmore, Goodrich, Gordon, Grant, Green, Greusel, Hertzler, Hosner, Howard, Hoyt, Kipp, Knapp,	Mr. Lewis, Lockwood, E. R. Miller, Mitchell, Morse, Noyes, Parker, Parsons, Priest, Remer, Ripley, Rose, Shaw,	Mr. Simpson, Smith, Striker, Thompson, A. Walker, F. Walker, Walton, Watkins, Welch, Wheeler, Withington, Zimmerman,	51
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Mr. Grant moved that the House recede from its amendment by which it inserted the following words: "the judges of the Supreme Court shall receive an annual salary of four thousand dollars."

Mr. Simpson demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

## YEAS.

Mr. Ackley, Bartholomew, Brunson, Cady, Caplis, Cobb, Cook, Dovell, Drew, Fancher, Ferguson, Garvelink,	Mr. Gilmore, Goodrich, Grant, Green, Greusel, Haire, Harris, Haywood, Hosner, Howard, Hoyt, Lamb,	Mr. Lewis, Markey, E. R. Miller, Mitchell, Morse, Noyes, O'Dell, Parker, Perry, Priest, Remer, Ripley,	Mr. Robertson, Shaw, Smith, Speed, Striker, Thomas, Thompson, A. Walker, Walton, Warren, Zimmerman, Speaker,	48
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## NAYS.

Mr. Armstrong, Blackman, Briggs, Brown, Burns, Carter, Chamberlain, Climie,	Mr. Dinturff, Fey, Garfield, Gordon, Harden, Hertzler, Hewitt, Kellogg,	Mr. Luce, R. C. Miller, Pierce, Rich, Robinson, Sanderson, Scott, Sessions,	Mr. Van Aken, Van Scoy, F. Walker, J. Walker, Watkins, Welch, Welker, Wheeler,
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Mr. Collins,  
Curtis,

Mr. Kipp,  
Knapp,

Mr. Simpson,  
Taylor,

Mr. Withington,  
Wixson, 40

The joint resolution was referred to the committee on arrangement and phraseology.

The joint committee on arrangement and phraseology, to whom was referred

Joint resolution proposing amendments to Art. IV. of the Constitution of the State of Michigan, entitled Legislative department;

Have had the same under consideration and respectfully report the same back to the two houses with their action thereon. The schedule of amendments made by the two houses having been printed and laid on the tables of the members, is, from its length, omitted from the body of this report.

For the sake of convenience the committee embody in their report the entire Article, indicating the sections to which amendments are made, with their recommendations thereon.

**SECTION 1.** The legislative power is vested in a Senate and House of Representatives.

The committee recommend that the House concur in the Senate substitute for Sec. 2, as follows:

**SEC. 2.** The Senate shall consist of thirty-three members. Senate districts shall be arranged by the Legislature, and not less than two shall be formed of the territory known as the Upper Peninsula. They shall be numbered consecutively, and each district shall elect one senator. At the first election under this constitution, senators in the odd numbered districts shall be chosen for two years, and in the even numbered districts for four years, and thereafter all senators shall be elected for four years. No county shall be divided in the formation of senate districts, unless such county shall be equitably entitled to more than one senator.

As Sec. 3 the committee have combined portions of both the Senate and House amendments, which they recommend for adoption by the two houses, as follows:

**SEC. 3.** The House of Representatives shall consist of one hundred and ten members, to be apportioned among the several counties and districts, according to an equal ratio of population, as near as may be. Each county having a ratio of representation, and a fraction over equal to one-third of such ratio, shall be entitled to two representatives, and above that number, one additional representative for each additional ratio; but every organized county containing a population of not less than one-third of the ratio of representation, and every two or more contiguous organized counties containing a like population, shall be entitled to a representative. Every unorganized county shall be attached to a representative district. Representatives shall be chosen for two years and by single districts. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof according to the last enumeration. Such division into representative districts shall remain unaltered until the return of another enumeration, unless otherwise provided by law.

In like manner the committee have combined portions of the amendments of the two houses to Sec. 4, which they recommend for adoption, as follows:

SEC. 4. The Legislature, after each enumeration of inhabitants under the authority of this State, and by the authority of the United States, shall rearrange the senate districts, and apportion anew the representatives among the counties and districts according to the number of inhabitants. But no rearrangement of senate districts shall vacate the seat of any senator. Each apportionment shall remain unaltered until the return of another enumeration. No ward or township shall be divided in the formation of a senatorial or representative district. Boundaries of municipalities may be changed by law, but if thereby any territory embraced within a senatorial or representative district shall be detached therefrom, elections shall be held for senator or representative, as the case may be, in the territory so detached, until the return of another enumeration and apportionment, the same as though such change in boundaries had not been made. No law heretofore enacted making a change in the boundaries of any municipality shall be held void for the reason that the same altered a senatorial or representative district, and all such laws are hereby declared to be valid and confirmed.

Section 5 was not amended by either house, and is as follows:

SEC. 5. Every senator and representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office.

The committee recommend the adoption of the senate substitute for Sec. 6, with some slight verbal changes, as follows:

SEC. 6. No person holding any elective State or county office, or any office to which he was appointed by the Governor, by and with the advice and consent of the senate [except notaries public], nor any person holding the office of trustee, commissioner or inspector of any State institution, or of any educational or charitable institution which receives appropriations from the State treasury, or any office by authority of the United States, shall be eligible to a seat in the Legislature.

As to Sec. 7 the committee recommend the adoption of the House substitute, with some changes of phraseology, as follows:

SEC. 7. Senators and Representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during sessions of the Legislature. They shall not be subject to any civil process during nor for fifteen days next before the commencement and after the termination of any session. They shall not be questioned in any other place for any speech in either house.

Sec. 8 was not amended by either house, and is as follows:

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

The committee recommend that the Senate concur in the House amendment to Sec. 9, so that the same shall read as follows:

SEC. 9. Each house shall choose its own officers, except as otherwise provided in this constitution, determine the rules of its proceedings, and judge of the qualifications, elections, and return of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of

the members voting on the question. No member shall be expelled a second time for the same cause.

The intervening sections to, and including Sec. 16, are unchanged, except a slight verbal change made by the House to Sec. 14, from which the committee recommend that the House recede. The sections are as follows:

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be taken at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house, or in joint convention, the votes shall be given viva voce. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

SEC. 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

SEC. 13. Bills may originate in either house, but no bill or new subject of legislation shall be introduced after the expiration of the first fifty days of the session, except on recommendation of the governor by special message. At extra sessions, legislation shall be confined to the subjects expressly named in the governor's proclamation, and subjects submitted by special message.

SEC. 14. Every bill and joint resolution passed by the legislature, and every concurrent resolution appropriating money or property, shall be presented to the governor, and if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon its journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass such bill or resolution, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become operative. In such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against it shall be entered on the journals of each house respectively. If any bill or resolution be not returned by the governor within ten days (Sunday excepted) after it has been presented to him, the same shall become operative in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become operative. The governor may approve, sign and file in the office of the secretary of state, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same shall become operative.

SEC. 15. The compensation of members of the legislature shall be four dollars a day for actual attendance, and when absent on account of sickness. They shall be entitled to ten cents, and no more, for every mile actually traveled going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office not expressly authorized by this constitution.

SEC. 16. The president of the senate and speaker of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

The committee recommend that the House concur in the Senate substitute for Sec. 17, as follows:

SEC. 17. No person elected a member of the legislature shall receive any civil appointment other than that of notary public, from the governor, the governor and senate, from the legislature, or any other State authority, or be eligible to any office which shall have been created or the emoluments of which shall have been increased by the legislature of which he is a member, until the expiration of the term for which he is elected. All such appointments and all votes given for any person so elected, for any such office or appointment, shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the State, or any municipal corporation thereof, authorized by any law passed during the time for which he is elected, until one year after the expiration of his legislative term.

As to Sec. 18 the committee recommend that the Senate concur in the House amendments thereto, with a verbal change, so that the same shall read as follows:

SEC. 18. Every bill and joint resolution, and every concurrent resolution appropriating money or property, shall be read three times in each house before the final passage thereof. No bill, nor any such resolution, shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of each bill and joint resolution, the vote shall be taken separately, by yeas and nays, and entered on the journal.

As to Sec. 19, the committee recommend that it be made to read as follows:

SEC. 19. No law shall embrace more than one subject, which shall be expressed in its title. No law shall be revised, altered or amended, by reference to its title only, but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house, such vote to be taken by yeas and nays if demanded by any member.

No amendment was made to Sec. 20, which stands as follows:

SEC. 20. The legislature shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

As to Sec. 21, the committee recommend that the House recede from its amendment and concur in the Senate amendment, as follows:

SEC. 21. The legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper, and printing for the executive department and State offices, and all other printing ordered by the legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind or alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the condi-

tions of the contract. No member of the legislature or officer of the State shall be interested, directly or indirectly, in any such contract, or any contract with the State.

As to Sec. 22, the committee find that the amendments of both Houses to the third subdivision are identical. They recommend concurrence in the Senate amendment to the fifth subdivision, and have embodied the House amendment in subdivision eighteen, and recommend concurrence in the section, as follows:

SEC. 22. The legislature shall not pass local or special laws in any of the following enumerated cases;

*First.* Divorcing any named party, or upon the subject of divorce;

*Second.* Changing the names of persons or places;

*Third.* Regulating the jurisdiction and duties of justices of the peace, or constables;

*Fourth.* Providing for changes of venue in civil or criminal cases;

*Fifth.* Granting any special powers to boards of supervisors;

*Sixth.* Summoning and empaneling grand or petit jurors;

*Seventh.* Regulating the rate of interest on money;

*Eighth.* Authorizing the sale, lease, or mortgage of real estate belonging to minors, or by executors or administrators, or by any religious corporation or society;

*Ninth.* Chartering or licensing ferries or toll-bridges;

*Tenth.* Remitting fines, penalties, or forfeitures;

*Eleventh.* Creating, increasing, or decreasing fees, percentages, or allowances of public officers;

*Twelfth.* Changing the law of descent;

*Thirteenth.* Granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatever;

*Fourteenth.* Declaring any named person of age;

*Fifteenth.* Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties;

*Sixteenth.* Punishing crimes or misdemeanors;

*Seventeenth.* Adopting, by any person, any named person as his child or heir.

*Eighteenth.* Vacating or altering any road laid out by commissioners of highways, or any street, alley, or public ground in any city or village, or in any recorded town plat; or for altering the boundaries of any school district, for building or repairing bridges, or for draining swamp or other low lands, except by expenditure of grants to the State;

*Nineteenth.* Exempting any property from taxation. The legislature shall provide by general laws for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws.

No amendments were made to Sec. 23. As to the House amendment in striking out Sec. 24, the committee make no recommendation. The remaining sections to and including Sec. 28 are unchanged, the said sections being as follows:

SEC. 23. The legislature shall not establish a State paper.

SEC. 24. The legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

SEC. 25. No collector, holder or disbursing officer of public moneys, shall have a

seat in the legislature or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

SEC. 26. The legislature shall not audit or allow any private claim or account.

SEC. 27. The legislature shall meet at the seat of government on the first Wednesday in January, in the year eighteen hundred and seventy-five, and on the first Wednesday in January in every second year thereafter, and at no other place or time unless as provided in this constitution, and shall adjourn without day at such time as the legislature shall fix by concurrent resolution.

SEC. 28. The legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

The committee recommend that the Senate concur in the House amendment to Sec. 29, as follows:

SEC. 29. The election of senators and representatives pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and seventy-six, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

The intervening sections to and including Sec. 36 are unchanged, except by the concurrent amendments made to Sec. 34 by both houses. The several sections are as follows:

SEC. 30. The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SEC. 31. The legislature may declare the cases in which any office shall be deemed vacant and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

SEC. 32. The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as it may deem proper.

SEC. 33. The legislature shall not authorize any lottery, or permit the sale of lottery tickets.

SEC. 34. No money shall be appropriated or drawn from the treasury of this State, or of any municipal corporation, for the benefit of any religious sect or society, theological or religious seminary, or school under private or denominational control, nor shall property belonging to the State or any municipal corporation be appropriated for any such purpose.

SEC. 35. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 36. The legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.

The committee recommend concurrence in the new section proposed by the Senate, to stand as Sec. 37, and that Sec. 37, as printed, be made to stand as Sec. 38, as follows:

SEC. 37. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year eighteen hundred and eighty-four, and every ten years thereafter, and for the collection of such general statistics and information as shall be deemed necessary.

**SEC. 38.** The style of the laws shall be: "The People of the State of Michigan enact."

To avoid duplication, it is recommended that this report be printed in the journal of the House only.

Respectfully submitted,

MOREAU S. CROSBY,  
*Chairman of Senate Committee.*  
S. H. BLACKMAN,  
*Chairman of House Committee.* •

Report accepted.

The question being taken on concurring in the several recommendations of the committee by sections,

The same were concurred in, *except* Sec. 6, to which the House refused to agree.

The joint resolution was referred to the committee on arrangement and phraseology.

Mr. Blackman offered the following:

*Resolved*, That when the House refuses to concur in any of the recommendations of the committee on arrangement and phraseology or any conference committee, the Clerk immediately inform the Senate thereof;

Which was adopted.

By the joint committee on railroads:

The House and Senate committees on railroads, to whom was referred Art. XI., entitled "Corporations other than municipal," for the purpose of reconciling the differences between the amendments made to said Article by the two Houses,

Respectfully report and recommend the following:

That in lieu of the amendments to the first section, the committee recommend that it stand as follows:

#### CORPORATIONS OTHER THAN MUNICIPAL.

**SECTION 1.** Corporations (other than municipal, and those for charitable, educational, penal and reformatory purposes under the control of public authority) shall be hereafter created only by general laws. All general acts of incorporation, and general laws affecting corporations, may be altered, amended, or repealed. The charter of no existing corporation not embraced in the above exceptions, shall be renewed, extended, or its powers enlarged.

That the House may concur in the Senate amendments to Sec. 2, so that it will stand as follows:

**SEC. 2.** No banking law authorizing banks of issue, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election; but the Legislature may alter or amend the same.

Secs. 3, 4, 5 and 6, have been agreed to by both Houses, and are as follows:

**SEC. 3.** The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

**SEC. 4.** The legislature shall provide for the registry of all bills or notes issued or put in circulation as money by any bank organized under the laws of



this State, and shall require security to the full amount of notes and bills so registered in interest-bearing stocks of this State, or of the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

SEC. 5. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The legislature shall pass no law authorizing or sanctioning the suspension of payments by any person, association, or corporation.

The committee recommended that the Senate concur in the House amendment to Sec. 7, which stands as follows:

SEC. 7. The stockholders in all corporations shall be individually liable for all labor done in behalf of such corporation to the amount of their stock respectively.

SEC. 8, as agreed to by both Houses, is as follows:

SEC. 8. All fictitious issue or increase of the bonds or other evidence of indebtedness, or of the capital stock of any corporation, is prohibited.

The committee recommended that the House concur in the Senate amendment to Sec. 9, which, as so amended, stands as follows:

SEC. 9. No corporation shall hold any real estate for a longer period than ten years from the time of acquiring the same, except such real estate as shall be actually occupied by it, or necessary in the exercise of its franchises: *Provided, however,* That all lands purchased by manufacturing corporations prior to January 1, A. D. 1874, are hereby confirmed to said corporations for a period of ten years next succeeding the adoption of this amendment to this constitution.

Sections 10, 11, 12, 13, 14, 15, 16, and 17 have been agreed to by both Houses, and are as follows:

SEC. 10. Foreign corporations may be permitted to do business in this State under such limitations and restrictions as may be prescribed by law, but shall be subject to the same restrictions and liabilities that are imposed, and shall have no greater rights than are conferred upon domestic corporations of like character, and the stockholders of such foreign corporation shall be subject to like personal liabilities as stockholders in similar domestic corporations. No foreign corporation shall acquire or hold any more lands in this State than a domestic corporation of a like character is permitted to acquire or hold, and all lands hereafter acquired or held in violation of this provision shall escheat to the State. Provision may be made for debarring all foreign corporations which shall violate any law of this State from thereafter being allowed to do business in the State.

SEC. 11. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and regulating the speed of trains, on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroads. The legislature may also pass laws establishing reasonable maximum rates of tolls or freights on ship or other canals in this State.

SEC. 12. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice

given of at least sixty days to all stockholders, in such manner as shall be provided by law, nor shall any such corporation hereafter lease any parallel or competing line of road, and no two or more competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding, with reference to rates of fare or freight to be charged, or for the division of earnings.

SEC. 13. Every corporation organized in this State shall maintain an office therein, where a record of the transfers of its stock shall be made, and where books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, and amount paid in, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 14. No president, director, officer, agent, or employe of any railroad or canal company shall be interested directly or indirectly in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or operated by such company.

SEC. 15. No telegraph company shall consolidate with, nor hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, nor acquire by purchase or otherwise any competing line of telegraph.

SEC. 16. No corporation, except for municipal or mining purposes, for life insurance, or for the construction of railroads, canals and cemeteries, shall be created for a longer period than thirty years.

SEC. 17. The term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

The committee recommend that the amendment to the article by the addition of a section, to stand as Sec. 18, be concurred in by the House, said section being as follows:

SEC. 18. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad, and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

The committee recommend that the Senate amendment made to the article by the addition of a new section to stand as Sec. 19 be stricken out, the section to be stricken out being as follows:

SEC. 19. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to

conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

All of which is respectfully submitted.

N. G. KING,

*Chairman Committee on Railroads of the Senate.*

E. C. WATKINS,

*Chairman Committee on Railroads of the House.*

Report accepted and committee discharged.

On motion of Mr. Watkins,

The House concurred in the several amendments recommended by the committee, and the joint resolution was referred to the committee on arrangement and phraseology.

Mr. Speed moved to reconsider the vote by which the House struck out of line 1, Sec. 3, Art. X., the words, "by a vote of two-thirds of their whole number;"

Which motion prevailed.

The question being on striking out the words mentioned,

The motion did not prevail.

Mr. Bartholomew gave notice that on some future day he would ask leave to introduce

A bill to amend Sec. 7, of title ten of act No. 427, of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869.

Mr. Hoyt moved to take from the table House bill No. 1, entitled

A bill relative to taxation;

Which motion prevailed.

On motion of Mr. Lockwood,

The bill was laid on the table.

By the committees on municipal corporations and judiciary:

The committees on municipal corporations and judiciary, to whom was referred

House bill No. 13, entitled,

A bill to amend an act entitled "An act to revise the charter of the city of St. Clair," approved March 18th, 1863, as amended by Act. No. 221 of the session laws of 1871, approved March 15th, 1871, and to add two new sections thereto to stand as sections 218 and 219,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

J. J. SPEED,

*Chairman of Com. on Mun. Corp's.*

HENRY A. SHAW,

*Chairman of Judiciary Committee.*

Report accepted and committee discharged.

On motion of Mr. Remer,

The bill was placed on the order of third reading.

By the committees on federal relations and public lands:

The committees on federal relations and public lands, to whom was referred

## House Joint Resolution No. 1, entitled

Joint resolution asking our Senators and Representatives in Congress for relief through the general government to homestead settlers on railroad lands,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

T. C. RIPLEY,

*Chairman of Committee on Federal Relations.*

WM. SESSIONS,

*Chairman of Committee on Public Lands.*

Report accepted and committee discharged.

On motion of Mr. Ripley,

The joint resolution was placed on the order of third reading.

House bill No. 13, entitled,

A bill to amend the charter of the city of St. Clair,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Fancher,	Mr. E. R. Miller,	Mr. Smith,
Armstrong,	Ferguson,	R. C. Miller,	Striker,
Bartholomew,	Fey,	Mitchell,	Taylor,
Bottomley,	Garvelink,	Morse,	Thomas,
Briggs,	Goodrich,	Noyes,	Thompson,
Brown,	Gordon,	O'Dell,	Van Aken,
Brunson,	Green,	Parker,	Van Scoy,
Buell,	Greusel,	Parsons,	A. Walker,
Burns,	Haire,	Perry,	F. Walker,
Cady,	Harden,	Pierce,	J. Walker,
Caplis,	Hertzler,	Priest,	Walton,
Carter,	Hewitt,	Remer,	Warren,
Chamberlain,	Howard,	Rich,	Watkins,
Climie,	Hoyt,	Ripley,	Welch,
Cobb,	Kellogg,	Robinson,	Welker,
Colwell,	Kipp,	Robertson,	Wheeler,
Cook,	Knapp,	Sanderson,	Withington,
Dovell,	Lamb,	Scott,	Wixson,
Drake,	Lewis,	Shaw,	Zimmerman,
Drew,	Markey,	Simpson,	Speaker,
Edwards,			

## NAYS.

81  
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Title agreed to.

On motion of Mr. Remer,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

## House Joint Resolution No. 1, entitled

Joint resolution asking our Senators and Representatives in Congress, for relief through the general government to homestead settlers on railroad lands,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drake,	Mr. Knapp,	Mr. Scott,
Armstrong,	Drew,	Lewis,	Shaw,
Bartholomew,	Edwards,	Luce,	Simpson,
Blackman,	Eggleston,	Markey,	Striker,
Bottomley.	Fancher,	E. R. Miller,	Taylor,
Briggs,	Ferguson,	R. C. Miller,	Thomas,
Brown,	Fey,	Mitchell,	Thompson,
Brunson,	Garfield,	Morse,	Van Scoy,
Buell,	Garvelink,	Noyes,	A. Walker,
Burns,	Goodrich,	O'Dell,	F. Walker,
Cady,	Gordon,	Parker,	J. Walker,
Caplis,	Green,	Parsons,	Walton,
Carter,	Greusel,	Perry,	Warren,
Chamberlain,	Haire,	Pierce,	Watkins,
Climie,	Harden,	Priest,	Welch,
Cobb,	Harris,	Remer,	Welker,
Collins,	Hertzler,	Rich,	Wheeler,
Cook,	Hewitt,	Ripley,	Wixson,
Dinturff,	Kellogg,	Robinson,	Zimmerman,
Dovell,	Kipp,	Sanderson,	Speaker, 80

## NAYS.

Mr. Howard,	Mr. Lamb,	Mr. Smith,	Mr. Van Aken,
Hoyt,			5

Title and preamble agreed to.

Mr. Rich moved that the House take a recess until 1:30 o'clock this afternoon.

Mr. Chamberlain moved to amend the motion so as to make the hour 2 o'clock this afternoon;

Which motion prevailed.

The motion as amended then prevailed.

## AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Cady asked and obtained leave of absence for himself indefinitely, on account of sickness.

Mr. Simpson asked and obtained leave of absence for Mr. Blackman indefinitely, on account of sickness.

Mr. Bailey asked and obtained leave of absence for himself indefinitely, on account of sickness.

Mr. Remer, previous notice being given, introduced

House Bill No. 15, entitled

A bill to amend the charter of the village of Algonac.

The bill was read a first and second time by its title, and referred to the committee on municipal corporations.

Mr. Cady offered the following:

*Resolved*, That the Clerk of the House prepare the warrants for the pay.

mileage, and stationery of the members of the House, and also the officers and messengers for the period of the entire session, and have the same in readiness this evening;

Which was adopted.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following bill:

Senate manuscript bill, entitled,

A bill to authorize proceedings by the State to condemn private property for public use,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committees on judiciary and ways and means.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill:

House bill No. 6, entitled

A bill to authorize the township board of the township of Allegan to borrow money for the purpose of paying any judgments that have been or may be hereafter rendered against said township, and to issue bonds for the payment of the same,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to request the House to return to the Senate

House bill No. 8, entitled

A bill to amend Sec. 7 of title 10 of Act No. 427 of the laws of 1869, entitled: "An act to revise the charter of the city of Lansing," approved April 3, 1869,

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Bartholomew,

The request of the Senate was granted and the committee on engrossment and enrollment were requested to report the same back to the House for transmission to the Senate.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to inform the House that the Senate has non-concurred in the recommendation of the committee of conference on the disagreements between the two Houses, relative to Sec. 2 of Article XV., and has refused to concur in the amendments made to said section by the House.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

Mr. Ackley moved that the House insist on its amendment,

Which motion prevailed.

Mr. Ackley moved that a committee of conference be appointed to consider the difference existing between the two Houses relative to the joint resolution;

Which motion prevailed.

The Speaker announced as the committee of conference on the part of the House on the difference between the two Houses on the joint resolution, Messrs. Ackley, E. R. Miller and Withington.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to inform the House that, in accordance with the recommendation of the joint committee on arrangement and phraseology of the two Houses, the Senate has concurred in the House amendment to Sec. 5 of Art. X.;

And further to inform the House that the Senate has refused to concur in the House amendment to Secs. 13 and 16 of Art. X.;

And to further inform the House that the Senate has concurred in the House amendment to Sec. 3 of Art. X.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Ackley,

The House receded from its amendment to Sec. 13 of the joint resolution.

On motion of Mr. Speed,

The House voted to insist on its amendment to Sec. 16, Art. X., and directed the Clerk to transmit a message to the Senate requesting a committee of conference.

The Speaker announced as such committee on the part of the House, Messrs. Speed, A. Walker and Hoyt.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to return to the House the following bill:

House bill No. 9, entitled -

A bill concerning submarine sites for light-houses and other aids to navigation,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That Article IX. be referred to the committees on State affairs of the two Houses,

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Hinds,

The House concurred in the adoption of the resolution, and the joint resolution was referred to the committee on State affairs.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following bill:

Senate manuscript bill, entitled

A bill to amend Sec. 124 of an act to amend chapter 93 of the revised statutes of 1846, entitled "Of courts held by justices of the peace, approved February 13, 1855," being section 5372 of the compiled laws of 1871;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and

On motion of Mr. Noyes,

The bill was placed on the order of third reading.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill:



House bill No. 7, entitled

A bill to amend section 3987, of the compiled laws of 1871, relative to the sale of swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands.

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 20, 1874.*

*To the Speaker of the House:*

SIR—I am instructed by the Senate to return to the House the following bill: House bill No. 10, entitled,

A bill to cede jurisdiction to the United States on certain lands, and for the purchase and condemnation thereof;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 20, 1874.*

*To the Speaker of the House:*

SIR—I am instructed by the Senate to transmit the following bill:

Senate manuscript bill, entitled,

A bill to re-incorporate the city of Monroe under the provisions of the general law for the incorporation of cities,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked,

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and

On motion of Mr. Hertzler,

The bill was placed on the order of third reading.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following bill:

Senate manuscript bill, entitled

A bill to amend an act entitled "An act to incorporate the city of Ionia,"

approved March 21, 1873, by adding a new section thereto to stand as Sec. 20;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

By the joint committee on salaries of officers of the two Houses:

The joint committee of Senate and House, appointed to consider the amount of salary to be allowed the officers of the Legislature at this session, would respectfully report that they have had the same under consideration, and have concluded that the same is fixed by the laws of 1873, Vol. I, pages 2 and 3, and that these salaries be as there established. And that the Secretary and Assistant Secretary of the Senate, and Chief Clerk and Journal Clerk of the House, and the Enrolling and Engrossing Clerks of the Senate and of the House, be each paid for extra services the additional sum of forty dollars for the session, under the provisions of law for paying expenses incurred by the Legislature; and that the Secretary of the Senate and the Chief Clerk of the House be each instructed to compile and prepare for publication and make indexes, and superintend the publication of the journals and documents of this session of the Legislature, and that each be paid therefor the sum of one hundred dollars; and to fully authorize the same your committee recommend the adoption of the accompanying concurrent resolution.

C. V. DELAND,

*Chairman of Senate Committee.*

T. A. FERGUSON,

*Chairman of House Committee.*

Report accepted and committee discharged.

The report was not adopted.

By the committees on municipal corporations and private corporations:

The committees on municipal corporations and private corporations, to whom was referred

House bill No. 14, entitled

A bill to enlarge and extend the corporate limits of the village of Evart,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

J. J. SPEED,

*Chairman of Committee on Municipal Corporations.*

JAS. CAPLIS,

*Acting Chairman of Committee on Private Corporations.*

Report accepted and committee discharged.

On motion of Mr. Speed,

The bill was placed on the order of third reading.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following joint resolution:

House manuscript joint resolution, entitled

Joint resolution proposing an amendment to Sec. 1 of Art. VII, of the Con-

stitution, in relation to the qualification of electors. (To be separately submitted to the people).

S. H. BLACKMAN, *Chairman.*

Report accepted.

By the committee on municipal corporations and judiciary:

The committee on municipal corporations and judiciary, to whom was referred

House bill No. 15, entitled

A bill to amend the charter of the village of Algonac, St. Clair county,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

The reason for necessity of passing this bill is the fact that the records of the village are lost.

ANDREW CLIMIE,

*Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Remer,

The bill was placed on the order of third reading.

#### THIRD READING OF BILLS.

House bill No. 14, entitled

A bill to enlarge and extend the corporate limits of the village of Evert,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Ferguson,	Mr. Lewis,	Mr. Simpson,
Armstrong,	Gartfield,	Simpson,	Smith,
Bartholomew,	Garvelink,	Mitchell,	Speed,
Bottomley,	Goodrich,	Morse,	Striker,
Brown,	Gordon,	O'Dell,	Taylor,
Brunson,	Grant,	Parker,	Thomas,
Burns,	Green,	Perry,	Thompson,
Cady,	Haire,	Pierce,	Van Aken,
Carter,	Harden,	Priest,	Van Scoy,
Climie,	Haywood,	Remer,	A. Walker,
Cobb,	Hertzler,	Rich,	F. Walker,
Collins,	Hewitt,	Ripley,	Walton,
Cook,	Howard,	Robinson,	Warren,
Curtis,	Hoyt,	Rose,	Watkins,
Dinturff,	Kellogg,	Sanderson,	Welker,
Drew,	Kipp,	Scott,	Wheeler,
Edwards,	Knapp,	Sessions,	Withington,
Fancher,	Lamb,	Shaw,	Zimmerman, 73

#### NAYS.

Mr. Fey,	Mr. Lockwood,	Mr. Markey,	Mr. Wixson,
Greusel,			

Title agreed to.

On motion of Mr. Rose,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Pending the announcement of the vote,

Mr. Gordon moved that Mr. Wixson be excused from voting;

Which motion did not prevail.

Mr. Wixson then voted as recorded above.

Senate manuscript bill, entitled

A bill to incorporate the city of Monroe under the provisions of the general law for the incorporation of cities,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Fey,	Mr. Luce,	Mr. Shaw,
Armstrong,	Garfield,	Markey,	Simpson,
Bartholomew,	Garvelink,	E. R. Miller,	Smith,
Bottomley,	Goodrich,	R. C. Miller,	Striker,
Briggs,	Gordon,	Mitchell,	Taylor,
Brown,	Green,	Morse,	Thompson,
Brunson,	Greusel,	Noyes,	Van Aken,
Burns,	Haire,	O'Dell,	Van Scoy,
Caplis,	Harden,	Parsons,	F. Walker,
Carter,	Hertzler,	Perry,	Walton,
Climie,	Hewitt,	Pierce,	Warren,
Cobb,	Hosner,	Priest,	Watkins,
Collins,	Howard,	Remer,	Welch,
Cook,	Kellogg,	Rich,	Welker,
Curtis,	Kipp,	Ripley,	Wheeler,
Dinturff,	Knapp,	Robinson,	Withington,
Dovell,	Lamb,	Rose,	Wixson,
Edwards,	Lewis,	Sanderson,	Zimmerman,
Ferguson,	Lockwood,	Scott,	Speaker, 76

## NAYS.

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Title agreed to.

On motion of Mr. Hertzler,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 15, entitled

A bill to incorporate the village of Algonac in the county of St. Clair,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Garvelink,	Mr. Lockwood,	Mr. Shaw,
Armstrong,	Gilmore,	Luce,	Simpson,
Bartholomew,	Goodrich,	Markey,	Smith,
Bottomley,	Gordon,	E. R. Miller,	Speed,
Briggs,	Grant,	R. C. Miller,	Striker,
Brown,	Green,	Mitchell,	Thomas,
Brunson,	Greusel,	Morse,	Thompson,
Burns,	Haire,	Noyes,	Van Scoy,
Caplis,	Harden,	O'Dell,	F. Walker,
Carter,	Haywood,	Perry,	Walton,
Climie,	Hertzler,	Pierce,	Warren,
Cobb,	Hewitt,	Priest,	Watkins,

Mr. Collins,	Mr. Hosner,	Mr. Remer,	Mr. Welch,
Cook,	Howard,	Rich,	Welker,
Dinturff,	Kellogg,	Ripley,	Wheeler,
Drew,	Kipp,	Robinson,	Withington,
Edwards,	Knapp,	Rose,	Wixson,
Ferguson,	Lamb,	Sanderson,	Zimmerman,
Fey,	Lewis,	Scott,	Speaker,
Garfield,			

77

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## NAYS.

Title agreed to.

On motion of Mr. Remer,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate manuscript bill, entitled

A bill to amend Sec. 124 of an act to amend chapter 93 of the revised statutes of 1846, entitled "Of courts held by justices of the peace," approved February 13, 1855, being section 5372 of the compiled laws of 1871,

Was read a third time, and, pending the taking of the vote on the passage thereof,

Mr. Shaw moved that the bill be referred to the committee on judiciary ;

Which motion did not prevail.

The bill was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Mitchell,	Mr. Thomas,
Bartholomew,	Green,	Morse,	Thompson,
Briggs,	Haire,	Noyes,	Van Aken,
Brown,	Harden,	O'Dell,	Van Scoy,
Brunson,	Hewitt,	Parsons,	A. Walker,
Burns,	Hosner,	Perry,	F. Walker,
Cady,	Howard,	Pierce,	Walton,
Climie,	Hoyt,	Priest,	Warren,
Collins,	Kellogg,	Rich,	Watkins,
Cook,	Kipp,	Ripley,	Welch,
Drake,	Knapp,	Robinson,	Welker,
Fancher,	Lamb,	Rose,	Wheeler,
Ferguson,	Lewis,	Simpson,	Withington,
Garfield,	Luce,	Smith,	Wixson,
Garvelink,	E. R. Miller,	Striker,	Speaker,
Gordon,	R. C. Miller,	Taylor,	

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## NAYS.

Mr. Ackley,	Mr. Dinturff,	Mr. Goodrich,	Mr. Markey,
Bottomly,	Dovell,	Greusel,	Sanderson,
Caplis,	Drew,	Haywood,	Shaw,
Carter,	Edwards,	Hertzler,	Zimmerman,
Cobb,	Fey,	Lockwood,	

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Title agreed to.

On motion of Mr. Grant,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House the following bill :  
House bill No. 12, entitled,

A bill to provide for the deposit of the public moneys by the county treasurer of Wayne county.

And to inform the house that the Senate has amended the same as follows:

1. Insert at end of Sec. 5: "*Provided*, That if any such banking association or corporation should suspend payment of its deposits while it may hold any deposits of said public moneys, the county treasurer and his bail shall not be liable for the amount of any loss that may be occasioned by such suspension ;

2. Insert in 7th line in 2d section, after word auditors, "And by the circuit judge for said county ;"

3. Insert at end of 2d section, "or by the circuit judge for said county ;"

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

Mr. Edwards moved that the House concur in the amendments made to the bill by the Senate ;

Which motion prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Ackley,	Mr. Fancher,	Mr. Knapp,	Mr. Shaw,
Armstrong,	Fey,	Luce,	Simpson,
Bartholomew,	Garfield,	E. R. Miller,	Smith,
Bottomley,	Garvelink,	R. C. Miller,	Speed,
Briggs,	Gilmore,	Mitchell,	Striker,
Brown,	Goodrich,	Morse,	Taylor,
Brunson,	Gordon,	Noyes,	Thomas,
Burns,	Grant,	O'Dell,	Thompson,
Cady,	Green,	Parker,	Van Aken,
Caplis,	Greusel,	Perry,	Van Scoy,
Climie,	Haire,	Pierce,	A. Walker,
Cobb,	Harden,	Priest,	F. Walker,
Collins,	Harris,	Remer,	Warren,
Cook,	Haywood,	Rich,	Welch,
Curtis,	Hertzler,	Ripley,	Welker,
Dintruff,	Hewitt,	Robertson,	Wheeler,
Dovell,	Howard,	Rose,	Withington,
Drake,	Hoyt,	Sanderson,	Wixson,
Drew,	Kellogg,	Scott,	Speaker,
Edwards,	Kipp,	Sessions,	

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#### NAYS.

Mr. Lamb, Mr. Markey, 2

The bill was referred to the committee on engrossment and enrollment for enrollment.

Mr. Colwell, unanimous consent being given, introduced  
House bill No. 16, entitled

A bill to provide for the extension of the time for the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, and to renew and extend certain powers of the board of control of State swamp lands.

The bill was read a first and second time by its title, and referred to the committees on railroads and public lands jointly.

By the committee on the judiciary, and ways and means:

The committees on judiciary, and ways and means, to whom was referred Senate manuscript bill, entitled

A bill to authorize proceedings by the State to condemn private property for public use;

Respectfully report that they have had the same under consideration, and have directed me to report to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY A. SHAW,

*Chairman of the Judiciary Committee.*

C. B. GRANT,

*Chairman of Committee Ways and Means.*

Report accepted and committee discharged.

On motion of Mr. Grant,

The bill was placed on the order of third reading.

By the joint committees on State affairs:

The joint committees on State affairs, to whom was referred

House Joint Resolution No. 9, entitled

Joint resolution proposing amendments to Art. IX. of the Constitution of the State of Michigan, entitled Salaries,

Respectfully report that they have had the same under consideration, and find that the only disagreement between the Senate and the House consists in the refusal of the House to concur in the amendment of the Senate, inserting the following clause:

"The Auditor General, the Superintendent of Public Instruction, the Secretary of State, the Commissioner of the Land Office, and the Attorney General, shall each reside during the term of his office, at the seat of government, and shall personally superintend the duties of his office."

The joint committee recommend that the House do concur in the Senate amendment.

C. E. MICKLEY,

*Chairman of Senate Committee.*

LEROY PARKER,

*Acting Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Parker,

The House concurred in the amendment recommended by the committee, and the joint resolution was referred to the committee on arrangement and phraseology.

The Speaker announced the following:

SENATE CHAMBER,

Lansing, March 20, 1874.

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That the judiciary committees of the two Houses be instructed to report a form of submission to the people of the amended Constitution;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Grant,

The House concurred in the adoption of the resolution.

The Speaker also announced the following:

SENATE CHAMBER,

*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House relative to Art. XV. "of Exemptions,"

That the Senate has concurred in the House amendment to Sec. 2, striking out the words "two thousand," in line 6 of House printed form, and inserting in lieu thereof the words "fifteen hundred."

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The message was laid on the table.

By the joint committees on State prison:

The joint committees on State prison, to whom was referred

House joint resolution No. 17, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled Miscellaneous provisions;

Have had the same under consideration, and have directed me to report the same back to the House, and recommend that the House recede from its action in striking out Sec. 9 of said Article, and ask to be discharged from the further consideration of the subject.

F. PARSONS,

*Chairman of Com. on State Prison.*

Report accepted and committee discharged.

The question being on concurring in the amendment recommended by the committees,

The same was not concurred in.

On motion of Mr. Gordon,

The Clerk was directed to transmit a message to the Senate, and request a committee of conference on the disagreement existing between the two houses, in regard to Sec. 9 of the joint resolution.

The Speaker announced as such committee, on the part of the House, Messrs. Gordon, Welker, and Welch.

The joint conference committee of the Senate and House on the disagreeing amendments to Secs. 13 and 16,

House Joint Resolution No. 10, entitled

Joint resolution proposing amendments to Art. X., of the Constitution of Michigan, entitled, Municipal corporations,

Respectfully report that they have considered the same, and have agreed upon the two sections to read as follows:



SEC. 13. There shall be elected in each organized township, annually, on the first Monday of April, or at such other time as the legislature may provide, one supervisor, one township clerk, who shall be *ex officio* school inspector, one commissioner of highways, who shall hold his office for three years, one township treasurer, one school inspector, who shall hold his office for two years, not exceeding four constables, and one overseer of highways of each highway district, and such other officers as may be provided by law, whose powers and duties shall be prescribed by law.

SEC. 16. The judicial, chief executive, and legislative officers of cities and villages shall be elected.

J. WEBSTER CHILDS,  
*Chairman on part of Senate.*  
J. J. SPEED,  
*Chairman on part of House.*

Report accepted.

The question being on concurring in the report of the committee,

Mr. Rich demanded the yeas and nays.

The demand was not seconded.

The House then refused to concur in the amendments reported by the committee.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bills:

1. House Bill No. 15, entitled

A bill to amend the charter of the village of Algonac in the county of St. Clair;

2. House Bill No. 13, entitled

A bill to amend the charter of the city of St. Clair;

3. House Bill No. 14, entitled,

A bill to enlarge and extend the corporate limits of the village of Ewart;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The three named bills were referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 20, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House relative to Art. IV., of Legislative department, which the House amended by striking out Sec. 24; in which amendment the Senate non-concurs; and in which amendment the House insists;

That the Senate has voted (the House concurring), to refer the matter of

disagreement to the committees on religious and benevolent societies of the two Houses jointly.

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Walker,

The House concurred in the request of the Senate, and the joint resolution was referred in accordance therewith.

On motion of Mr. Bartholomew,

The Clerk was directed to send a respectful message to the Senate requesting the return of

House bill No. 8, entitled

A bill to amend section seven, of title ten, of act number four hundred and twenty-seven, of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869.

Mr. Thomas moved that there be a call of the House;

Which motion prevailed.

#### PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Caplis, Dinturff, Hosner, Mitchell, Morse and Zimmerman.

On motion of Mr. Withington,

The Sergeant-at-Arms was despatched after the absentees.

The Sergeant-at-Arms announced Mr. Caplis at the bar of the House.

On motion of Mr. Brunson,

Mr. Caplis was admitted within the bar, rendered an excuse and took his seat.

The Sergeant-at-Arms announced Mr. Morse at the bar of the House.

On motion of Mr. Dovell,

Mr. Morse was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Dinturff at the bar of the House.

On Motion of Mr. Dovell,

Mr. Dinturff was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Mitchell at the bar of the House.

On motion of Mr. Bottomly,

Mr. Mitchell was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Harris,

All further proceedings under the call were dispensed with.

Mr. Parker offered the following:

*Resolved* (the Senate concurring), That a committee, consisting of two from each House, be appointed to act with the Secretary of the Senate and the Clerk of the House for the purpose of preparing a statement of the more important amendments proposed to the Constitution, with the reasons therefor, to be circulated as far as possible among the voters in the State in such manner and at such time as the said committee shall deem advisable.

Laid over for one day under the rules.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House relative to the request of the House for a committee of conference relative to the disagreements between the two Houses, as to Article X. of "Municipal corporations,"

That the Senate accedes to the request of the House, and that Senators Childs, Wells, and Anderson, have been appointed as such committee, on the part of the Senate.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House relative to Sec. 6, Art. IV., entitled "Legislative department," which the Senate amended so as to read as follows:

SEC. 6. No person holding any elective State or county office, or any office to which he was appointed by the Governor, by and with the advice and consent of the Senate, except notaries public, or any person holding the office of trustee or commissioner or inspector of any State institution, or any educational or charitable institution which receives appropriations from the State treasury, or any office by authority of the United States, shall be eligible to a seat in the Legislature;

And in which the House non-concurs.

That the Senate has voted (the House concurring) to refer the disagreement between the two Houses to the committee on education and public schools of the Senate and the committee on education of the House jointly.

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

Mr. Thomas moved that the House concur in the request of the Senate, and the joint resolution was referred accordingly.

The joint committees on education, to whom was referred Sec. 6, Art. IV., entitled Legislative department,

Respectfully report to the two Houses that a majority of said committees have agreed to restore the section as given by Constitutional Commission, which reads as follows, viz.:

SEC. 6. No person holding any elective State office, except that of regent of the university or member of the board of education, and no person holding the office of probate judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, or any office to which he was appointed by the President of the United States, by and with

the advice and consent of the Senate, shall be allowed to take or hold a seat in either house of the legislature.

M. S. CROSBY,  
*Chairman of Senate Committee.*  
A. K. WARREN,  
*Chairman of House Committee.*

Report accepted and committee discharged.

The question being on agreeing to the amendments reported by the committee,

Mr. Bottomley demanded the yeas and nays.

The demand was seconded, and the amendment was agreed to, by yeas and nays, as follows:

#### YEAS.

Mr. Ackley,	Mr. Dovell,	Mr. Howard,	Mr. Simpson,
Armstrong,	Drew,	Kipp,	Smith,
Bartholomew,	Ferguson,	Lewis,	Speed,
Bottomley,	Fey,	E. R. Miller,	Taylor,
Brunson,	Garvelink,	Mitchell,	Thomas,
Burns,	Gilmore,	O'Dell,	Thompson,
Cady,	Goodrich,	Parker,	A. Walker,
Caplis,	Grant,	Perry,	Walton,
Carter,	Green,	Remer,	Warren,
Climie,	Haire,	Ripley,	Watkins,
Cobb,	Harden,	Robertson,	Withington,
Cook,	Harris,	Scott,	Zimmerman,
Dintruff,	Hosner,	Shaw,	Speaker, 52

#### NAYS.

Mr. Briggs,	Mr. Greusel,	Mr. Luce,	Mr. Sanderson,
Brown,	Haywood,	Markey,	Sessions,
Chamberlain,	Hertzler,	R. C. Miller,	Van Aken,
Collins,	Hewitt,	Morse,	Van Scoy,
Curtis,	Hoyt,	Noyes,	F. Walker,
Drake,	Kellogg,	Pierce,	J. Walker,
Edwards,	Knapp,	Priest,	Welch,
Fancher,	Lamb,	Rich,	Wheeler,
Gordon,	Lockwood,	Rose,	Wixson, 36

The Speaker also announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate accedes to the request of the House for a committee of conference between the two Houses relative to the disagreement on Sec. 9 of Article XVII., entitled, Miscellaneous provisions,

And that Senators Dewey, Mitchell and McGowan have been appointed such committee on the part of the Senate.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The message was laid on the table.

Mr. Withington moved that when the House adjourn, it be until 7:30 this evening;

Which motion prevailed.

Senate manuscript bill, entitled

A bill to authorize proceedings by the State to condemn private property for public use;

Was read a third time, and pending the taking of the vote on the passage thereof,

On motion of Mr. Ripley,

The bill was amended by striking out in Sec. 2 the words "judge of probate."

The bill was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Armstrong,	Mr. Fey,	Mr. Markey,	Mr. Simpson,
Bartholomew,	Garvelink,	E. R. Miller,	Smith,
Briggs,	Goodrich,	R. C. Miller,	Speed,
Brunson,	Grant,	Mitchell,	Thompson,
Cady,	Greusel,	O'Dell,	Van Scoy,
Chamberlain,	Haire,	Parker,	A. Walker,
Olimie,	Harden,	Rich,	F. Walker,
Cobb,	Hosner,	Ripley,	Warren,
Cook,	Howard,	Robertson,	Watkins,
Curtis,	Kipp,	Rose,	West,
Dintuff,	Knapp,	Sanderson,	Wheeler,
Drew,	Lewis,	Sessions,	Withington,
Fancher,	Lockwood,	Shaw,	Wixson,
Ferguson,			

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#### NAYS.

Mr. Ackley,	Mr. Carter,	Mr. Kellogg,	Mr. Priest,
Bottomley,	Collins,	Lamb,	Van Aken,
Brown,	Gilmore,	Luce,	J. Walker,
Burns,	Gordon,	Morse,	Walton,
Caplis,	Hertzler,	Pierce,	Zimmerman, 20

Title agreed to.

The speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House the following bill:

House bill No. 8, entitled

A bill to amend Sec. 7 of title ten, of act No. 427 of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869,

In accordance with the request of the House this day received.

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

Mr. Bartholomew moved to reconsider the vote by which the House passed the bill;

Which motion prevailed.

The question being on the passage of the bill,

On motion of Mr. Bartholomew,

The bill was laid on the table.

On motion of Mr. Grant,

The House took a recess until 7:30 o'clock this evening.

#### EVENING SESSION.

7:30 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: a quorum present.

The House resumed the order of

#### MESSAGES FROM THE SENATE

The Speaker announced the following:

SENATE CHAMBER, }  
Lausang, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (The House concurring), That twenty thousand copies of the amended Constitution be distributed to the people of the State under the direction of the Governor and Secretary of State.

*Resolved*, That S. B. McCracken be and he is hereby appointed to compile a brief statement of the principal changes proposed in the Constitution, to be printed with the edition provided for in the preceding resolution, such statement before being printed to be submitted to the President of the Senate and Speaker of the House, and approved by them. Said McCracken shall receive for his services in preparing such statement and superintending the printing of the same with the Constitution, a sum not exceeding two hundred dollars, to be determined by the Board of State Auditors;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Oaphs moved that the House concur in the adoption of the resolution.

Mr. Briggs demanded the yeas and nays.

The demand was seconded, and pending the taking of the vote,

Mr. Lewis moved to lay the resolution on the table.

Which motion did not prevail.

On motion of Mr. Garfield,

The resolution was amended by inserting after the word "State" the words, "one copy of which shall be sent to each newspaper in the State."

The resolution was then adopted, by yeas and nays, as follows:

## YEAS.

Mr. Armstrong,	Mr. Fey,	Mr. Mitchell,	Mr. Smith,
Bartholomew,	Garfield,	Morse,	Speed,
Bottomley,	Gilmore,	Noyes,	Striker,
Brunson,	Goodrich,	Parker,	Thomas,
Buell,	Grant,	Parsons,	Thompson,
Burns,	Green,	Priest,	Van Scoy,
Caplis,	Greusel,	Reiner,	F. Walker,
Carter,	Harden,	Ripley,	J. Walker,
Colwell,	Harris,	Robinson,	Walton,
Cook,	Hewitt,	Rose,	Warren,
Dinturff,	Howard,	Sanderson,	Welch,
Drew,	Kipp,	Scott,	Wheeler,
Edwards,	Knapp,	Shaw,	Zimmerman,
Eggleston,	E. R. Miller	Simpson,	Speaker,
Ferguson,			

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## NAYS.

Mr. Ackley,	Mr. Drake,	Mr. Lewis,	Mr. Rich,
Briggs,	Fancher,	Lockwood,	Robertson,
Brown,	Gordon,	Luce,	Sessions,
Chamberlain,	Haire,	Markey,	Taylor,
Olimie,	Haywood,	R. C. Miller,	Van Aken,
Cobb,	Hosner,	O'Dell,	Watkins,
Collins,	Hoyt,	Perry,	Welker,
Curtis,	Kellogg,	Pierce,	Wixson,
Dovell,	Lamb,		

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By the joint committees on religious and benevolent societies :

The joint committees on religious and benevolent societies to whom was referred the difference between the two Houses relative to Sec. 24, of House Joint Resolution No. 4, entitled

Joint resolution proposing amendments to Art. IV. of the Constitution of Michigan entitled, Legislative department,

Respectfully report that they have had the same under consideration, and are unable to agree upon any recommendation, and ask to be discharged from the further consideration of the subject.

E. J. WELKER,

*Chairman House Committee.*

J. J. SUMNER,

*Chairman Senate Committee.*

Report accepted and committee discharged.

On motion of Mr. Miller,

The House voted to insist on its amendment, and directed the clerk to transmit a respectful message to the Senate, requesting another committee of conference on the difference existing between the two Houses.

The Speaker announced as such committee on the part of the House, Messrs. Miller, Simpson, and Scott.

By the committee of conference :

The committee of conference to whom was referred the difference existing between the two Houses in regard to Sec. 9 of

House Joint Resolution No. 17, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XVII., entitled, Miscellaneous provisions,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House with the unanimous recommendation that the section be stricken out.

GEO. M. DEWEY,  
*Chairman of Senate Committee.*  
H. F. THOMAS,  
*Chairman of House Committee.*

Report accepted and committee discharged.

The report was laid on the table.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred

Senate manuscript bill, entitled

A bill to amend an act entitled "An act to incorporate the city of Ionia," approved March 21, 1873, by adding a new section thereto, to stand as Sec. 70,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, and recommend that the amendment be concurred in, and that the bill, when so amended, do pass, and ask to be discharged from the further consideration of the subject.

ANDREW CLIMIE,  
*Chairman.*

Report accepted and committee discharged.

On motion of Mr. Kellogg,

The House concurred in the amendments made to the bill by the committee.

On motion of Mr. Kellogg,

The bill was placed on the order of third reading.

By the committee of conference:

The committee of conference to whom was referred the difference existing between the two Houses relative to Sec. 13 of

House Joint Resolution No. 10, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan to stand as Art. X., entitled, Municipal corporations,

Respectfully report that they have had the same under consideration, and unanimously recommend that the Senate concur in the House amendment, striking out the words "three years" and inserting in place thereof the words "one year," and ask to be discharged from the further consideration of the subject.

O. V. DELAND,  
*Chairman of Senate Committee.*  
HENRY GORDON,  
*Chairman of House Committee.*

Report accepted and committee discharged.

The report was laid on the table.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House that the Senate has refused to concur in the recommendation of the committees on education and public schools of the Senate and the committee on education of the House,



acting as a committee of conference, relative to the disagreements between the two Houses in regard to Sec. 6 of Art. IV., entitled Legislative department, which recommendation was to restore said Sec. 6 as decided upon by the Constitutional Commission.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

Mr. Edwards moved to reconsider the vote by which the House concurred in the recommendation of the joint committee;

Which motion prevailed.

The question being on concurring in the recommendation of the committee. The same was then not concurred in.

On motion of Mr. Grant,

The House receded from its amendment and agreed to the amendment of the Senate.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 20, 1874.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate accedes to the request of the House for a committee of conference on the disagreements between the two houses in regard to Sec. 6 of Art. IV., entitled, Legislative department,

And has appointed Senators DeLand, Ely and Neasmith as such committee on the part of the Senate.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 20, 1874.* }

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to return to the House the following joint resolution:

House joint resolution No. 1, entitled

Joint resolution asking our Senators and Representatives in Congress for relief through the General Government to homestead settlers on railroad lands,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The joint resolution was referred to the committee on engrossment and enrollment for enrollment.

#### THIRD READING OF BILLS.

Senate manuscript bill, entitled

A bill to amend an act entitled "An act to incorporate the city of Ionia," approved March 21, 1873, by adding a new section thereto, to stand as Sec. 70,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Edwards,	Mr. Kipp,	Mr. Robertson,
Armstrong,	Eggleston,	Lewis,	Scott,
Bartholomew,	Fey,	Luce,	Shaw,
Brown,	Garfield,	Markey,	Smith,
Brunson,	Gilmore,	E. R. Miller,	Striker,
Burns,	Goodrich,	R. C. Miller,	Taylor,
Caplie,	Gordon,	Mitchell,	Thompson,
Carter,	Grant,	Morse,	Van Scoy,
Chimie,	Green,	Noyes,	J. Walker,
Cobb,	Greusel,	O'Dell,	Walton,
Collins,	Haire,	Parsons,	Warren,
Colwell,	Harden,	Pierce,	Welker,
Cook,	Haywood,	Priest,	Wheeler,
Curtis,	Hertzler,	Remer,	Withington,
Dinturff,	Hewitt,	Rich,	Wixson,
Dovell,	Hosner,	Ripley,	Zimmerman,
Drake,	Hoyt,	Robinson,	Speaker,
Drew,	Kellogg,		

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0

## NAYS.

Title agreed to.

On motion of Mr. Kellogg,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

On motion of Mr. Ripley,

Senate manuscript bill, entitled.

A bill to authorize proceedings by the State to condemn private property for public use,

By a vote of two-thirds of all the members elect, was ordered to take immediate effect.

Mr. Garfield moved that the names of Messrs. Hoar and West be dropped from the pay-roll of the House.

Mr. Perry moved to amend the motion by omitting the name of Mr. West therefrom;

Which motion prevailed.

The motion as amended was not then adopted.

Mr. Greusel offered the following:

*Resolved*, That the Chief Clerk and Journal Clerk of this House be paid two dollars per day extra for their services during this session;

Which was adopted.

Mr. E. R. Miller offered the following:

*Resolved*, That the Clerk of this House be directed to withhold the delivery of the certificates of pay directed to be prepared until such time as the Senate shall have adopted the House concurrent resolution in relation to adjournment;

Which was adopted.

Mr. Hosner moved that the House adjourn;

Which motion did not prevail.

Mr. Grant moved to reconsider the vote by which the House adopted a resolution directing the clerk to withhold the pay certificates until the Senate shall have adopted the resolution of the House relative to adjournment;

Which motion did not prevail.

Mr. Ferguson offered the following:

*Resolved*, That a respectful message be sent to the Senate to inform that body we are ready to adjourn:

Which was adopted.

Mr. Grant moved that the Clerk of the House be instructed to issue certificates for full pay to members of the House, after 12 o'clock Saturday, the 21st day of March, inst.

Mr. Striker moved to amend the motion, by making the hour of delivery 10 o'clock A. M.;

Which was agreed to.

The motion as amended then prevailed.

By the committees on railroads and public lands:

The committees on railroads and public land, to whom was referred House bill No. 16, entitled

A bill to provide for the extension of the time for the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, and to renew and extend certain powers of the board of control of State swamp lands,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment therefor, recommending that the amendments be concurred in, and that the bill when so amended do pass, and ask to be discharged from the further consideration of the subject.

E. C. WATKINS,

*Chairman Com. on Railroads.*

WM. SESSIONS,

*Chairman Com. on Public Lands.*

Report accepted and committee discharged.

On motion of Mr. Climie,

The House concurred in the amendments made to the bill by the committee.

On motion of Mr. Sessions,

The bill was placed on the order of third reading.

The Speaker announced the following:

SENATE CHAMBER,

*Lansing, March 7, 1874.*

SIR—I am instructed by the Senate to inform the House that the Senate has amended Sec. 7 of Art. XI, entitled "Corporations other than municipal," as reported by the joint committee on railroads of the two Houses, so as to read as follows:

SEC. 7. The stockholders in all corporations shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders.

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Ackley,

The House concurred in the amendment made by the Senate as reported by the committee.

## THIRD READING OF BILLS.

House bill No. 16, entitled

A bill to provide for the extension of the time for the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, and to renew and extend certain powers of the Board of Control of swamp lands,

Was read a third time, and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Drew,	Mr. Knapp,	Mr. Sessions,
Armstrong,	Edwards,	Lewis,	Shaw,
Bartholomew,	Eggleston,	Lockwood,	Speed,
Bottomley,	Ferguson,	Markey,	Striker,
Brown,	Fey,	E. R. Miller,	Taylor,
Brunson,	Goodrich,	R. C. Miller,	Thomas,
Buell,	Gordon,	Mitchell,	Thompson,
Burns,	Grant,	Morse,	Van Scoy,
Caplis,	Green,	Parker,	F. Walker,
Carter,	Greusel,	Parsons,	J. Walker,
Climie,	Harden,	Pierce,	Warren,
Cobb,	Harris,	Priest,	Watkins,
Collins,	Haywood,	Remer,	Welker,
Colwell,	Hewitt,	Rich,	Wheeler,
Cook,	Hosner,	Ripley,	Withington,
Curtis,	Howard,	Robinson,	Wixson,
Dinturff,	Hoyt,	Robertson,	Zimmerman,
Dovell,	Kellogg,	Scott,	Speaker,
Drake,	Kipp,		

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## NAYS.

Mr. Haire,	Mr. Noyes,	Mr. Simpson,	Mr. Van Aken,
Lamb,	Perry,	Smith,	Walton,
Luce,			

9.

The question being on agreeing to the title,

Mr. Grant moved to amend the title so as to read as follows:

A bill to amend an act entitled an act to authorize and empower the Board of Control of State swamp lands to make an appropriation of State swamp lands to aid in the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, approved March 21st, 1873, by adding a new section thereto;

Which motion prevailed.

The title as amended was then agreed to.

On motion of Mr. Grant,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

To the Speaker of the House of Representatives:

SIR.—I am instructed by the Senate to inform the House that the Senate has concurred in House amendments to Art. X., entitled "Municipal corporations,"

in striking out the word "three" and inserting "one" in lieu thereof; also striking the letter "s" from the word "years."

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The message was laid on the table.

On motion of Mr. Grant,

The House took a recess until 10 o'clock this evening.

10 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed the order of

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR,—I am instructed by the Senate to inform the House that the Senate accedes to the request of the House for a committee of conference on the disagreements between the two Houses relative to Sec. 24 of Article IV., entitled, "Legislative department," and has appointed Senators DeLand, Neasmith and Sparks as such committee.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House:*

SIR,—I am instructed by the Senate to inform the House that the Senate has refused to concur in the recommendation of the committee of conference to strike out Sec. 9 of Art. XVII., entitled "Miscellaneous provisions;"

Also, to further inform the House that the Senate requests a committee of conference on the disagreement between the two Houses relative to the section named, and has appointed Senators DeLand, Neasmith and Sparks as such committee on the part of the Senate.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Noyes, the House receded from the amendment heretofore insisted on.

Mr. Shaw moved to reconsider the vote by which the House receded from its amendment to Sec. 6, of

House Joint Resolution No. 4, entitled

Joint resolution proposing an amendment to the constitution of the State of Michigan, to stand as Art. IV., entitled, Legislative department;

Which motion prevailed.

The question being on receding from the amendment by which the House struck out the words "except that of regent of the university or member of the board of education,"

The same was receded from.

Mr. Shaw moved that a committee of conference be appointed on the part of the House to act with a like committee on the part of the Senate relative to the differences existing between the two Houses relative to the joint resolution;

Which motion prevailed.

The Speaker announced as such committee on the part of the House Messrs. Shaw, Edwards and Withington.

Mr. Grant moved that Mr. Eggleston be allowed mileage for 176 miles.

Which motion prevailed.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate accedes to the request of the House for a committee of conference on the disagreements between the two Houses, relative to Secs. 1 and 19, of Article XI, entitled, "Corporations other than municipal."

And further to inform the House that Senators DeLand, Richardson, and Brewer have been appointed as such committee on the part of the Senate.

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate has concurred in the amendments made by the House to Sec. 6 of Art. IV., entitled "Legislative department."

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

The message was laid on the table.

Mr. Hoyt moved that a committee of conference be appointed on the part of the House, to act with a like committee on the part of the Senate, relative to the difference existing between the two Houses relative to the joint resolution.

Which motion prevailed.

The Speaker announced as such committee on the part of the House, Messrs. Hoyt, Noyes and Chamberlain.

Mr. Greusel moved that the House adjourn until 8 o'clock to-morrow morning.

Which motion did not prevail.

The Speaker also announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate has non-concurred in the action of the joint committees on railroads of the two Houses in striking out Sec. 19 of Art. XI., which section reads as follows:

SEC. 19. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

Also, to further inform the House that the Senate has amended Sec. 1 of said Art. XL, by striking out the words, "its powers enlarged," and inserting in lieu thereof the words, "nor shall the powers of such corporation be increased or enlarged."

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The question being on concurring in the amendments made to the joint resolution by the Senate,

The same were non-concurred in.

By the joint judiciary committee:

The joint judiciary committee, to whom was referred a concurrent resolution, instructing said committee to report a form of submission to the people of the amended constitution, would respectfully report that they have had the same under consideration, and in accordance with said instructions have directed me to report to the House the accompanying joint resolution, and ask to be discharged from the further consideration of the same:

Joint resolution proposing amendments to the constitution of the State of Michigan.

SEC. 1. *Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the Constitution of the State of Michigan be, and the same is hereby amended so as to read as follows:

Said constitutional amendments shall be submitted to the people of this State at the next general election, to be held on Tuesday succeeding the first Monday in November in the year eighteen hundred and seventy-four, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State in the same manner that he is now required to do in case of an election of Governor and Lieutenant Governor, and the inspectors of election in the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for or against said amendments.

Each person voting for said constitutional amendments to the Constitution of this State, shall have written or printed, or partly written and partly printed on his ballot the words: "Constitutional Amendments,—Yes;" each person voting against them shall have on his ballot, in like manner, the words: "Constitutional Amendments,—No."

The ballots shall, in all respects, be canvassed and returns made as in election of Governor and Lieutenant Governor.

HENRY A. SHAW,

*Chairman of the House Judiciary Committee.*

The joint resolution was read a first and second time by its title, and referred to the committee on arrangement and phraseology.

The committee of conference to whom was referred the difference existing between the two Houses relative to Sec. 24, of

House Joint Resolution No. 4, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Article IV., entitled Legislative department,

Respectfully report that they have had the same under consideration, and recommend that the two Houses agree upon the following amendment:

Strike out all after the word "Prison," in said Sec. 24;

And ask to be discharged from the further consideration of the subject.

C. V. DeLAND,

*Chairman of Senate Committee.*

E. R. MILLER,

*Chairman of House Committee.*

Report accepted and committee discharged.

On motion of Mr. Welker,

The House concurred in the amendments recommended by the committee.

The Speaker announced the following:

SENATE CHAMBER, }

Lansing, March 20, 1874. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved* (the House concurring), That the Secretary of the Senate and the Chief Clerk of the House of Representatives be, and they are hereby authorized and directed to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of this session of the Legislature, and when completed and certified to by the Secretary of State they shall each be entitled to, and receive for such services the sum of one hundred dollars. And the Auditor General is hereby instructed to draw his warrant for the same on the presentation of such certificate of the Secretary of State;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Dovel,

The House concurred in the adoption of the resolution.

The committee of conference, to whom was referred the difference existing between the two houses, as to Secs. 1, 9, and 19, of

House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI, entitled, Corporations other than municipal;

Respectfully report that they have had the same under consideration, and recommend

1. That the House concur in the Senate amendment to Sec. 1;

2. That the Senate amendment to Sec. 9 be reported and explained to the House, by the committee;

3. That the House concur in the adoption of Sec. 19, as adopted by the Senate.

CHARLES V. DeLAND,

*Chairman of Senate Committee.*

J. P. HOYT,

*Chairman of House Committee.*



Report accepted and committee discharged.

The report was laid on the table.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate has amended Sec. 9 of Art. XI., entitled, Corporations other than municipal, by striking out all after the word "franchises" in line 3 of said section,

In which action the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

On motion of Mr. Hoyt,

The House non-concurred in the amendment made by the Senate.

Mr. Ferguson moved that when the House adjourn it be until 8 o'clock to-morrow morning;

Which motion did not prevail.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bills:

1. House bill No. 5, entitled

A bill to organize the township of Copper Harbor, in Keweenaw county;

2. House bill No. 4, entitled

A bill to organize the township of Grant, in Keweenaw county;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

The two named bills were referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill:

House bill No. 16, entitled

A bill to amend an act entitled "An act to authorize and empower the Board of Control of State swamp lands to make an appropriation of State swamp lands to aid in the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, and to add a new section thereto,

Which has passed the Senate by a two-thirds vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect.

Very respectfully,

JAMES H. STONE,  
Secretary of the Senate.

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate has adopted the following substitute for House joint resolution No. 21, entitled Joint resolution proposing an amendment to the Constitution of the State of Michigan, to stand as the preamble to the same;

Which substitute reads as follows:

For the purpose of establishing, defining, and limiting the powers and duties of the several departments of government, the People of the State of Michigan do ordain this Constitution;

In the passage of which substitute the Senate has concurred.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Gordon,

The House concurred in the adoption of the substitute transmitted from the Senate.

The Speaker also announced the following:

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate requests a committee of conference on the disagreement between the two Houses relative to Sec. 9 of Art. XI, entitled, of Corporations other than municipal;

And that the Senate has appointed Senators Gray, Goodell, and Hinds as such committee on the part of the Senate.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Watkins,

The House acceded to the request of the Senate for the appointment of a committee of conference.

The Speaker announced as the committee on the part of the House Messrs. Watkins, Withington and Walton.

Mr. Thomas moved that there be a call of the House;

Which motion prevailed.

#### PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Briggs, Caplis, Cook, Fancher, Garvelink, Grant, Green, Hertzler, Hewitt, Hosner, Luce, Noyes, Rose, and Simpson.

On motion of Mr. Thomas,

The Sergeant-at-Arms was despatched after the absentees.

The Sergeant-at-Arms announced Mr. Simpson at the bar of the House.

On motion of Mr. Gordon,

Mr. Simpson was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Grant at the bar of the House.

On motion of Mr. Hoyt,

Mr. Grant was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Eggleston at the bar of the House.

On motion of Mr. Dovel,

Mr. Eggleston was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Caplis at the bar of the House.

On motion of Mr. Edwards,

Mr. Caplis was admitted within the bar, rendered an excuse and took his seat.

The Sergeant-at-Arms announced Mr. Green at the bar of the house.

On motion of Mr. Lewis,

Mr. Green was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Garfield,

All further proceedings under the call were dispensed with.

The committee of conference, to whom was referred the difference existing between the two Houses relative to Sec. 9 of

House Joint Resolution No. 11, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan, to stand as Art. XI., entitled Corporations other than municipal,

Respectfully report that they have had the same under consideration, and recommend that the Senate concur in the adoption of said section as heretofore reported by the joint committee on railroads.

E. L. GRAY,

*Chairman Senate Committee.*

E. C. WATKINS,

*Chairman House Committee.*

Report accepted and committee discharged.

The report was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to inform the House that the Senate has refused to concur in the report of the committee of conference on the disagreements between the two Houses relative to Sec. 9 of Art. XI., entitled, Corporations other than municipal, and refuses to recede from its amendment striking out all of said section after the word "franchisees."

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Thomas moved that the House concur in the amendments insisted on by the Senate;

Which was withdrawn.

Mr. Hoyt moved that the House insist on its amendment;

Which motion prevailed.

On motion of Mr. Withington,

The House reconsidered its action in receding from its amendment to Sec. 7.

The question recurring on the motion to recede,

The motion did not prevail.

Mr. Eggleston moved that a committee of conference be appointed on the

part of the House, to act with a like committee on the part of the Senate, relative to the differences existing between the two houses relative to the joint resolution ;

Which motion prevailed.

The Speaker announced as such committee on the part of the House, Messrs. Eggleston, Hoyt, and Ferguson.

The Speaker announced the following :

SENATE CHAMBER, }  
Lansing, March 20, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to inform the House that the Senate has receded from its amendment to Sec. 9 of Art. XI., entitled, Corporations other than municipal ;

And also that the Senate respectfully requests the House to withdraw its request for a committee of conference and to unite with the Senate in referring the article to the joint committee on arrangement and phraseology, that the same may be placed on the order of third reading.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Perry,

The House acceded to the request of the Senate, and the joint resolution was referred to the joint committee on arrangement and phraseology.

On motion of Mr. Warren,

The House adjourned.

*Lansing, Saturday, March 21, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Fassett.

Roll called : a quorum present.

Mr. Ferguson moved to take from the table

House bill No. 1, entitled

A bill relative to taxation,

Which motion prevailed.

Mr. Bartholomew introduced

House bill No. 17, entitled

A bill to amend Sec. 7 of title 10 of act number 427 of the laws of 1869, entitled "an act to revise the charter of the city of Lansing," approved April 3, 1869.

The bill was read a first and second time by its title, and

On motion of Mr Bartholomew,

The bill was placed on the order of third reading.

The House took up the order of

## THIRD READING OF BILLS.

House bill No. 17, entitled

A bill to amend Sec. 7 of title 10 of Act No. 427 of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Eggleston,	Mr. Lewis,	Mr. Simpson,
Armstrong,	Fancher,	Markey,	Smith,
Bartholomew,	Ferguson,	E. R. Miller,	Striker,
Bottomley,	Fey,	R. C. Miller,	Taylor,
Briggs,	Garfield,	Mitchell,	Van Aken
Brown,	Goodrich,	Morse,	Van Scoy,,
Brunson,	Gordon,	Parker,	A. Walker,
Buell,	Grant,	Parsons,	F. Walker,
Burns,	Green,	Perry,	J. Walker,
Cady,	Greusel,	Pierce,	Walton,
Carter,	Haire,	Priest,	Warren,
Chamberlain,	Harden,	Remer,	Watkins,
Climie,	Haywood,	Rich,	Welch,
Cobb,	Hewitt,	Ripley,	Wheeler,
Collins,	Hosner,	Robertson,	Withington,
Cook,	Howard,	Sanderson,	Wixson,
Curtis,	Kellogg,	Scott,	Zimmerman,
Dinturff,	Kipp,	Sessions,	Speaker,
Drew,	Knapp,	Shaw,	

75

## NAYS.

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Title agreed to.

On motion of Mr. Bartholomew,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following bill:

Senate manuscript bill, entitled

A bill to amend section 11 of an act entitled "An act to authorize a Board of Public Works in and for the city of Port Huron," approved April 1, 1873, and to add a new section thereto to stand as section 23;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and,

On motion of Mr. Howard,

The rules requiring the second and third reading of bills to be on different days were suspended, and the bill was put upon its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Ackley,	Mr. Fey,	Mr. Markey,	Mr. Smith,
Armstrong,	Garfield,	E. R. Miller,	Speed,
Bartholomew,	Goodrich,	R. C. Miller,	Striker,
Brown,	Gordon,	Mitchell,	Taylor,
Brunson,	Green,	Morse,	Thomas,
Buell,	Greusel,	O'Dell,	Thompson,
Burns,	Haire,	Parker,	Van Scoy,
Cady,	Harden,	Parsons,	A. Walker,
Caplis,	Haywood,	Perry,	F. Walker,
Cobb,	Hertzler,	Pierce,	J. Walker,
Collins,	Hewitt,	Priest,	Walton,
Cook,	Hosner,	Remer,	Warren,
Curtis,	Howard,	Rich,	Watkins,
Dinturff,	Kellogg,	Ripley,	Welch,
Drew,	Kipp,	Robertson,	Welker,
Edwards,	Knapp,	Sanderson,	Withington,
Eggleston,	Lamb,	Scott,	Wixson,
Fancher,	Lewis,	Sessions,	Speaker,
Ferguson,	Lockwood,	Shaw,	

75

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## NAYS.

Title agreed to.

On motion of Mr. Howard,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

# HOUSE JOINT RESOLUTION, ENTITLED, JOINT RESOLUTION PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF MICHIGAN,

Was read a third time, and, pending the taking of the vote on the passage thereof,

Mr. Grant moved that there be a call of the House ;

Which motion prevailed.

## PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Carter, Cook, Harris, Sanderson, and Van Scoy.

On motion of Mr. Grant,

The Sergeant-at-arms was despatched after the absentees.

The Sergeant-at-arms announced Mr. Edwards at the bar of the House.

On motion of Mr. Noyes,

Mr. Edwards was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Warren,

All further proceedings under the call were dispensed with.

The joint resolution was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Armstrong,	Mr. Ferguson,	Mr. R. C. Miller,	Mr. Speed,
Bartholomew,	Garfield,	Mitchell,	Striker,
Blackman,	Goodrich,	Morse,	Taylor,
Bottomley,	Gordon,	O'Dell,	Thomas,
Brown,	Grant,	Parker,	Thompson,
Brunson,	Green,	Parsons,	Van Aken,
Buell,	Haire,	Piere,	A. Walker,
Burns,	Harden,	Priest,	F. Walker,
Caplis,	Harris,	Remer,	J. Walker,
Carter,	Hewitt,	Rich,	Walton,
Chamberlain,	Hosner,	Ripley,	Warren,
Climie,	Howard,	Robinson,	Watkins
Colwell,	Hoyt,	Robertson,	Welch,
Cook,	Kellogg,	Rose,	Welker,
Curtis,	Kipp,	Sanderson,	Wheeler,
Dinturff,	Knapp,	Scott,	Withington,
Drake,	Lamb,	Sessions,	Wixson,
Edwards,	Lewis,	Shaw,	Zimmerman,
Eggleston,	E. R. Miller,	Smith,	Speaker,
Fancher,			

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## NAYS.

Mr. Ackley,	Mr. Drew,	Mr. Haywood,	Mr. Noyes,
Briggs,	Fey,	Lockwood,	Perry,
Cobb,	Gilmore,	Luce,	Simpson,
Dovell,	Greusel,	Markey,	Van Scoy,

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Title and preamble agreed to.

The following is the joint resolution:

JOINT RESOLUTION proposing amendments to the Constitution of the State of Michigan.

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the Constitution of the State of Michigan be and the same is hereby amended so as to read as follows:

## PREAMBLE.

For the purpose of establishing, defining and limiting the powers and duties of the several departments of government, the People of the State of Michigan do ordain this Constitution.

## ARTICLE I.

## BOUNDARIES AND SEAT OF GOVERNMENT.

SECTION 1. The State of Michigan is bounded as follows, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same, said point being the northwest corner of the State of Ohio, as established by an act of Con-

gress, entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit River, Lake St. Clair, the St. Clair River, Lake Huron, the St. Mary's River and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal River; thence through the middle of the main channel of the said Montreal River to the head waters thereof, as marked upon the survey made by Captain Cramm by authority of the United States; thence in a direct line to the center of the channel between Middle and South islands, in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the Brule River to the main channel of the Menominee River; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

SEC. 2. The seat of government shall remain at Lansing.

## ARTICLE II.

### BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for their equal benefit, security, and protection. They have the right to change or reform the same whenever the public good requires. No special privilege or immunity shall be granted that may not be revoked.

SEC. 2. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes, or other rates, for the support of any minister of the gospel or teacher of religion.

SEC. 3. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief, nor shall any person be incompetent to be a witness on account of his opinions or belief concerning matters of religion, nor shall any witness be questioned touching his religious belief.

SEC. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the accused shall be acquitted; and the jury shall have the right to determine the law and the fact.



SEC. 5. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall be passed.

SEC. 6. The privilege of the writ of *habeas corpus* shall not be suspended unless, in case of rebellion or invasion, the public safety may require it.

SEC. 7. The right of trial by jury shall remain, but shall be deemed to be waived in criminal cases in courts other than courts of record, and in civil cases in all courts, unless demanded by one of the parties in such manner as shall be prescribed by law. The legislature may authorize, in courts not of record, a trial by a jury of a less number than twelve; in all courts, in civil cases, a verdict by not less than two-thirds of the jury; and, in criminal cases, by consent of parties, a discharge of not more than one juror and a verdict by the remainder.

SEC. 8. In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, to be informed of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEC. 9. Any suitor in any court in this State shall have the right to prosecute or defend his suit either in person or by an attorney or agent of his choice.

SEC. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable search and seizure. No warrant to search any place, or to seize any person or thing, shall issue without describing such place, person or thing, nor without probable cause, supported by oath or affirmation.

SEC. 11. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

SEC. 12. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 13. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishments shall not be inflicted; nor shall witnesses be unreasonably detained.

SEC. 14. No person shall be deprived of life, liberty or property, without due process of law. No person shall be compelled, in any criminal case, to be a witness against himself, but if any person shall elect to make a statement in his own behalf, he shall be subject to cross examination relative to the matter of such statement.

SEC. 15. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in case of fraud, or breach of trust, or for moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a military fine in time of peace.

SEC. 16. Every person has a right to bear arms for the defense of himself and of the State.

SEC. 17. The military shall be in strict subordination to the civil power.

SEC. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SEC. 19. The people have the right peaceably to assemble, to consult for

the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

SEC. 20. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 21. Aliens who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

SEC. 22. Private property shall not be taken for public use without just compensation.

### ARTICLE III.

#### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: Legislative, Executive, and Judicial.

SEC. 2. No person belonging to one department shall exercise power properly belonging to another, except in the cases expressly provided in this constitution.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

SEC. 2. The senate shall consist of thirty-three members. Senate districts shall be arranged by the legislature, and not less than two shall be formed of the territory known as the Upper Peninsula. They shall be numbered consecutively, and each district shall elect one senator. At the first election under this constitution, senators in the odd numbered districts shall be chosen for two years, and in the even numbered districts for four years, and thereafter all senators shall be elected for four years. No county shall be divided in the formation of senate districts, unless such county shall be equitably entitled to more than one senator.

SEC. 3. The house of representatives shall consist of one hundred and ten members, to be apportioned among the several counties and districts, according to an equal ratio of population, as near as may be. Each county having a ratio of representation, and a fraction over equal to one-third of such ratio, shall be entitled to two representatives, and above that number, one additional representative for each additional ratio; but every organized county containing a population of not less than one-third of the ratio of representation, and every two or more contiguous organized counties containing a like population, shall be entitled to a representative. Every unorganized county shall be attached to a representative district. Representatives shall be chosen for two years and by single districts. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof according to the last enumeration. Such division into representative districts

shall remain unaltered until the return of another enumeration, unless otherwise provided by law.

SEC. 4. The legislature, after each enumeration of inhabitants under the authority of this State, and by the authority of the United States, shall rearrange the senate districts, and apportion anew the representatives among the counties and districts according to the number of inhabitants. But no rearrangement of senate districts shall vacate the seat of any senator. Each apportionment shall remain unaltered until the return of another enumeration. No ward or township shall be divided in the formation of a senatorial or representative district. Boundaries of municipalities may be changed by law, but if thereby any territory embraced within a senatorial or representative district shall be detached therefrom, elections shall be held for senator or representative, as the case may be, in the territory so detached, until the return of another enumeration and apportionment, the same as though such change in boundaries had not been made. No law heretofore enacted making a change in the boundaries of any municipality shall be held void for the reason that the same altered a senatorial or representative district, and all such laws are hereby declared to be valid and confirmed.

SEC. 5. Every senator and representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office. Senators and representatives elected to fill vacancies shall hold their office for the residue of the unexpired term.

SEC. 6. No person holding any elective State officer, and no person holding the office of probate judge, county clerk register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, county auditor, or any office to which he was appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed to take or hold a seat in either house of the legislature.

SEC. 7. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during sessions of the legislature. They shall not be subject to any civil process during any session nor for fifteen days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Each house, except as otherwise provided in this constitution, shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, election, and return of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be taken at the request of one-fifth of the members elected. Any member of either house may dissent from and

protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house, or in joint convention, the votes shall be given viva voce. All votes on nominations to the senate shall be taken by yeas and nays, and published with the journal of its proceedings.

SEC. 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

SEC. 13. Bills may originate in either house, but no bill or new subject of legislation shall be introduced after the expiration of the first fifty days of the session, except on recommendation of the governor by special message. At extra sessions, legislation shall be confined to the subjects expressly named in the governor's proclamation, or submitted by special message.

SEC. 14. Every bill and joint resolution passed by the legislature, and every concurrent resolution appropriating money or property, shall be presented to the governor, and if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon its journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass such bill or resolution, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become operative. In such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against it shall be entered on the journals of each house respectively. If any bill or resolution be not returned by the governor within ten days (Sunday excepted) after it has been presented to him, the same shall become operative in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become operative. The governor may approve, sign and file in the office of the secretary of state, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same shall become operative.

SEC. 15. The compensation of members of the legislature shall be four dollars a day for actual attendance, and when absent on account of sickness. They shall be entitled to ten cents, and no more, for every mile actually traveled going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office not expressly authorized by this constitution.

SEC. 16. The president of the senate and speaker of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

SEC. 17. No person elected a member of the legislature shall receive any civil appointment other than that of notary public, from the governor, the governor and senate, from the legislature, or any other State authority, or be eligible to any office which shall have been created or the emoluments of which shall have been increased by the legislature of which he is a member,

until the expiration of the term for which he is elected. All such appointments and all votes given for any person so elected, for any such office or appointment, shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the State, or any municipal corporation authorized by any law passed during the time for which he is elected, until one year after the expiration of his legislative term.

SEC. 18. Every bill and joint resolution, and every concurrent resolution appropriating money or property, shall be read three times in each house before the final passage thereof. No bill, nor any such resolution, shall become a law without the concurrence of a majority of all the members elected to each house, to be determined by yeas and nays, which shall be taken separately, on each bill or resolution, and entered on the journal.

SEC. 19. No law shall embrace more than one subject, which shall be expressed in its title. No law shall be revised, altered or amended, by reference to its title only, but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house, such vote to be taken by yeas and nays if demanded by any member.

SEC. 20. The legislature shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

SEC. 21. The legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, all blanks, paper, and printing for the executive department and State offices, the printing and binding of the laws and journals, and all other printing ordered by the legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind or alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the legislature or officer of the State shall be interested, directly or indirectly, in any such contract, or any contract with the State.

SEC. 22. The legislature shall not pass local or special laws in any of the following enumerated cases;

*First.* Divorcing any named party, or upon the subject of divorce;

*Second.* Changing the names of persons or places;

*Third.* Regulating the jurisdiction and duties of justices of the peace, or constables

*Fourth.* Providing for changes of venue in civil or criminal cases;

*Fifth.* Granting any special powers to boards of supervisors;

*Sixth.* Summoning and empanneling grand or petit jurors;

*Seventh.* Regulating the rate of interest on money;

*Eighth.* Authorizing the sale, lease, or mortgage of real estate belonging to minors, or by executors or administrators, or by any religious corporation or society;

*Ninth.* Chartering or licensing ferries or toll-bridges;

*Tenth.* Remitting fines, penalties, or forfeitures;

*Eleventh.* Creating, increasing, or decreasing fees, percentages, or allowances of public officers;

*Twelfth.* Changing the law of descent;

*Thirteenth.* Granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatever;

*Fourteenth.* Declaring any named person of age;

*Fifteenth.* Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties;

*Sixteenth.* Punishing crimes or misdemeanors;

*Seventeenth.* Adopting, by any person, any named person as his child or heir.

*Eighteenth.* Vacating or altering any road laid out by commissioners of highways, or any street, alley, or public ground in any city or village, or in any recorded town plat; or for altering the boundaries of any school district, for building or repairing bridges, or for draining swamp or other low lands, except by expenditure of grants to the State;

*Nineteenth.* Exempting any property from taxation. The legislature shall provide by general laws for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws.

SEC. 23. The legislature shall not establish a State paper.

SEC. 24. The legislature may authorize the employment of a chaplain for the State prison.

SEC. 25. No collector, holder or disburser of public moneys, shall have a seat in the legislature or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

SEC. 26. The legislature shall not audit or allow any private claim or account.

SEC. 27. The legislature shall meet at the seat of government on the first Wednesday in January, in the year eighteen hundred and seventy-five, and on the first Wednesday in January in every second year thereafter, and at no other place or time unless as provided in this constitution, and shall adjourn without day at such time as the legislature shall fix by concurrent resolution.

SEC. 28. The legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

SEC. 29. The election of senators and representatives pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and seventy-six, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

SEC. 30. The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SEC. 31. The legislature may declare the cases in which any office shall be deemed vacant and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

SEC. 32. The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as it may deem proper.

SEC. 33. The legislature shall not authorize any lottery, or permit the sale of lottery tickets.

SEC. 34. No money shall be appropriated or drawn from the treasury of this State, or of any municipal corporation, for the benefit of any religious sect or society, theological or religious seminary, or school under private or denominational control, nor shall property belonging to the State or any municipal corporation be appropriated for any such purpose.

SEC. 35. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 36. The legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.

SEC. 37. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year eighteen hundred and eighty-four, and every ten years thereafter, and for the collection of such general statistics and information as shall be deemed necessary.

SEC. 38. The style of the laws shall be: "The People of the State of Michigan enact."

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor who has not been five years a citizen of the United States, a resident of this State two years next preceding his election, and attained the age of thirty years.

SEC. 3. The governor and lieutenant governor shall be elected at the times and places of choosing the members of the legislature. The person having the highest number of votes for governor or lieutenant governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for governor or lieutenant governor, the legislature shall, by joint vote, choose one of such persons.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection, and to repel invasion.

SEC. 5. He may require information in writing from officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 6. He shall take care that the laws be faithfully executed.

SEC. 7. He may convene the legislature on extraordinary occasions.

SEC. 8. He shall give to the legislature, and at the close of his official term to the incoming legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

SEC. 9. He may convene the legislature at some other place, when the seat of government becomes dangerous from disease or a public enemy.

SEC. 10. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

SEC. 11. He may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such

conditions, and with such restrictions and limitations, as he may think proper; but the legislature may provide by law as to the manner of hearing applications for pardon. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature at each session, information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

SEC. 12. In case of the death of the governor, his removal or suspension from office, inability to perform the duties of the office, resignation, absence from the State, or other disability, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability cease. But when the governor shall be absent from the State at the head of the military forces thereof, he shall continue to be commander-in-chief.

SEC. 13. During the vacancy in the office of governor, if the lieutenant governor die, resign, be displaced, suspended, or be incapable of performing the duties of his office, or absent from the State, the president *pro tempore* of the senate shall act as governor until the vacancy be filled or the disability cease.

SEC. 14. The lieutenant governor shall, by virtue of his office, be president of the senate, and when there is an equal division, he shall give the casting vote. In committee of the whole he may debate all questions.

SEC. 15. No member of congress, or any person holding office under the United States, or this State, shall execute the office of governor, except as specified in this constitution.

SEC. 16. No person elected governor or lieutenant governor shall receive any office or appointment from the legislature, or either house thereof, during the time for which he was elected.

SEC. 17. The lieutenant governor and president of the senate *pro tempore*, when performing the duties of governor, shall receive the same compensation as the governor.

SEC. 18. All official acts of the governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the secretary of state.

SEC. 19. All commissions issued to persons holding office under the provisions of this constitution shall be "In the name and by the authority of the people of the State of Michigan," sealed with the Great Seal of the State, signed by the governor, and countersigned by the secretary of state.

SEC. 20. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall be the law, and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in a supreme court, in circuit courts, probate courts, justices of the peace, and in such other courts, tribunals and officers as are or shall be established or authorized by law.

SEC. 2. The supreme court is continued subject to the provisions of this article. The legislature shall provide for one additional judge, so that the



court shall consist of five members, to be chosen by the electors of the State, and for a classification of judges, so that one shall go out of office every two years. The judge having the shortest time to serve shall be chief justice during the remainder of his term of office. The term of office of a judge of the supreme court shall be ten years. A judge of the supreme court may be assigned to hold a circuit court in cases provided by law.

SEC. 3. The supreme court shall have a general superintending control over all other courts and tribunals; and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, *certiorari*, *mandamus*, *precedendo*, prohibition, and all other appropriate writs and process. It shall also have original jurisdiction in cases of *mandamus*, *habeas corpus*, proceedings in the nature of *quo warranto*, and of proceedings by *scire facias*, to vacate letters patent. Its appellate jurisdiction shall not extend to any civil cases for the recovery of money or property in which the amount or value of the thing in controversy is less than one hundred dollars, exclusive of costs, except upon the allowance of an appeal, writ of error or *certiorari* by the judge who tried such case, or by a judge of the supreme court.

SEC. 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The Supreme Court shall, by general rules, except as otherwise provided by law, establish, modify, and amend the practice in such court and in all inferior tribunals and simplify the same, and shall appoint its clerks and a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The concurring opinion of any three of said judges shall be a decision.

SEC. 6. The legislature shall divide the State into seventeen judicial circuits, and it may increase the number of circuits at the expiration of periods of six years. It may re-arrange the circuits or decrease the number of the same at any time; for each of which circuits, so established, the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. No alteration of any circuit shall have the effect to remove a judge from office, provided he shall reside in the circuit of which he is judge. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this constitution for judges of the circuit court.

SEC. 7. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants; and in counties having twenty thousand inhabitants or over, there shall be at least four terms in each year. Judges of the circuit court may hold courts for each other, and in other circuits in case of a vacancy, and shall do so when required by law or upon request of the governor.

SEC. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution and not prohibited by law, and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and a supervisory control of the same. They shall also have power to issue writs of injunction, *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments, and decrees, and give them general control over inferior courts and

tribunals within their respective jurisdictions, and in other cases provided by law. The appellate jurisdiction of said courts shall not extend to any civil case in which the amount or value of the thing in controversy is less than twenty-five dollars, exclusive of costs, except upon an allowance of an appeal or writ of *certiorari* by a circuit court commissioner or the judge of the court entitled to exercise such appellate jurisdiction.

SEC. 9. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected or appointed, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, he shall be deemed to have vacated his office.

SEC. 10. When a vacancy occurs in the office of judge of the supreme, circuit, or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office during the residue of the unexpired term.

SEC. 11. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

SEC. 12. During their continuance in office, and for one year thereafter, the judges of the supreme and circuit courts shall be ineligible to any other than a judicial office.

SEC. 13. In each county organized for judicial purposes there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties, as shall be provided by law.

SEC. 14. The supreme, circuit and probate courts shall be courts of record, and shall each have a common seal.

SEC. 15. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term.

SEC. 16. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the legislature.

SEC. 17. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

SEC. 18. The style of all process shall be: "In the name of the People of the State of Michigan."

## ARTICLE VII.

### ELECTIVE FRANCHISE.

SECTION 1. In all elections, every person of the age of twenty-one years who shall have resided in this State three months, and in the township or ward

in which he offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

*First*—Every male citizen of the United States;

*Second*—Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States pursuant to the laws thereof, six months preceding an election;

*Third*—Every male inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

SEC. 2. In time of war, insurrection or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or of this State, and their votes shall be made to apply to the township or ward of which they are residents. The Legislature may provide by law for allowing townships to hold their elections in any city wholly or in part within the limits of such townships.

SEC. 3. All elections shall be by ballot, except of such township officers as may be authorized by law to be otherwise chosen.

SEC. 4. Every elector, in all cases except treason, felony, misdemeanor, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same. No elector shall be obliged to attend court as a suitor or witness on the day of election, or to do military duty thereon except in time of war or public danger.

SEC. 5. No elector shall be deemed to have gained or lost his residence by reason of absence therefrom in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison.

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise.

SEC. 7. No soldier, seaman, or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed in any place within the same.

SEC. 8. Any inhabitant of this State who may hereafter be engaged in a duel shall be disqualified from holding any office and from voting at any election.

## ARTICLE VIII.

### STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election in November a secretary of state, a state treasurer, a commissioner of the state land office, a superintendent of public instruction, an auditor general, and an attorney general, for the term of two years, each of whom shall keep his office at the seat of government, and shall perform such duties as may be prescribed by law.

SEC. 2. Their term of office shall commence on the first day of January following their election.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

SEC. 4. The secretary of state, state treasurer and commissioner of the state land office, shall constitute a board of state auditors, to examine and adjust

all claims against the State not otherwise provided for by law. They shall also constitute a board of state canvassers, to determine the result of all elections for governor, lieutenant governor and state officers, and of such other officers as shall by law be referred to them.

SEC. 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the legislature, in joint convention, shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

## ARTICLE IX.

### SALARIES.

SECTION 1. The governor shall receive an annual salary of three thousand dollars; the circuit judges shall receive an annual salary of two thousand five hundred dollars; the state treasurer shall receive an annual salary of two thousand five hundred dollars; the auditor general shall receive an annual salary of two thousand five hundred dollars; the superintendent of public instruction shall receive an annual salary of two thousand dollars; the secretary of state shall receive an annual salary of two thousand dollars; the commissioner of the land office shall receive an annual salary of two thousand dollars; the attorney general shall receive an annual salary of two thousand five hundred dollars; they shall receive no fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase or diminish the salaries herein provided. The auditor general, the superintendent of public instruction, the secretary of state, the commissioner of the land office, and the attorney general, shall each reside, during the term of his office, at the seat of government, and shall personally superintend the duties of his office.

## ARTICLE X.

### MUNICIPAL CORPORATIONS.

SECTION 1. No county, city, township, or other municipal corporation, shall become a stockholder in, or make any loan or gift to, or lend its credit in aid of any person, private corporation or association; nor shall any county, city, township, or other municipality construct or become the owner of any railroad. The provisions of this section shall not prevent such municipalities from aiding enlistments, and in the support of the families of soldiers in time of war; or supporting their poor in such manner as may be provided by law.

#### *Counties.*

SEC. 2. Each organized county shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a county shall be in the name thereof. The power of counties to levy taxes, borrow money, and contract debts, shall be restricted by law.

SEC. 3. The board of supervisors of any county may, by a vote of two-thirds of their whole number, borrow or raise by tax a sum not exceeding in any one year one mill upon the dollar of the assessed valuation thereof, for constructing or repairing public buildings, highways, or bridges: *Provided*, The indebtedness of a county incurred under this section shall at no time exceed two mills upon a dollar of such assessed valuation, unless authorized

by a majority of the electors of the county voting thereon, as shall be provided by law.

SEC. 4. No organized county shall ever be reduced, by the organization of new counties, to less than sixteen townships as surveyed by the United States, unless, in pursuance of law, a majority of electors residing in each county to be affected thereby shall so decide. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization. Nothing herein contained shall be so construed as to prevent the legislature from organizing any county composed wholly of islands within the territory of the State, or discontinuing any such county and attaching the same to the nearest county or counties on the main land.

SEC. 5. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, one or more circuit court commissioners, and a prosecuting attorney, chosen by the electors thereof once in two years, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

SEC. 6. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat.

SEC. 7. The sheriff shall hold no other office. No person shall be eligible to the office of sheriff for more than four in a period of six years. The county shall never be responsible for his acts.

SEC. 8. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities and villages shall have such representation in the board of supervisors of the counties in which they are situated as the legislature may direct.

SEC. 9. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 10. The board of county auditors in such counties as may be authorized by law to elect county auditors, and in every other county the board of supervisors, shall, except as otherwise provided by law, have power to prescribe the compensation for all services rendered for, and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.

SEC. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law.

#### *Townships.*

SEC. 12. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

SEC. 13. There shall be elected in each organized township, annually, on the first Monday of April, or at such other time as the legislature may pro-

vide, one supervisor, one township clerk, who shall be *ex officio* school inspector, one commissioner of highways, who shall hold his office for one year, one township treasurer, one school inspector, who shall hold his office for two years, not exceeding four constables, and one overseer of highways of each highway district, and such other officers as may be provided by law, whose powers and duties shall be prescribed by law.

#### *Cities and Villages.*

SEC. 14. Cities and villages shall hereafter be incorporated only under general laws, in which their powers of taxation, borrowing money, and contracting debts, shall be restricted.

SEC. 15. No city or village shall incur indebtedness, including that incurred by or on behalf of any school district within its corporate limits, so that its aggregate debt at any time shall exceed ten per cent on the valuation of its taxable property, as shown by the assessment roll, unless authorized by a majority of the electors residing within such corporation voting thereon as may be prescribed by law.

SEC. 16. The judicial, chief executive and legislative officers of cities and villages shall be elected.

SEC. 17. Existing charters of cities and villages may be altered and amended.

### ARTICLE XI.

#### CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations (other than municipal, and those for charitable, educational, penal and reformatory purposes under the control of public authority) shall be hereafter created only by general laws. All general acts of incorporation, and general laws affecting incorporations, may be altered, amended, or repealed. The charter of no existing corporation, not embraced in the above exceptions, shall be renewed or extended, nor shall the power of such corporation be increased or enlarged.

SEC. 2. No banking law, authorizing banks of issue, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election, but the legislature may alter or amend the same.

SEC. 3. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

SEC. 4. The legislature shall provide for the registry of all bills or notes issued or put in circulation as money by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or of the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

SEC. 5. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The legislature shall pass no law authorizing or sanctioning the suspension of payments by any person, association, or corporation.

SEC. 7. The stockholders in all corporations shall be individually liable for

all labor done in behalf of such corporation to the amount of their stock respectively.

SEC. 8. All fictitious issue or increase of the bonds or other evidence of indebtedness, or of the capital stock of any corporation, is prohibited.

SEC. 9. No corporation shall hold any real estate for a longer period than ten years from the time of acquiring the same, except such real estate as shall be actually occupied by it, or necessary in the exercise of its franchises.

SEC. 10. Foreign corporations may be permitted to do business in this State under such limitations and restrictions as may be prescribed by law, but shall be subject to the same restrictions and liabilities that are imposed, and shall have no greater rights than are conferred upon, domestic corporations of like character, and the stockholders of such foreign corporation shall be subject to like personal liabilities as stockholders in similar domestic corporations. No foreign corporation shall acquire or hold any more lands in this State than a domestic corporation of like character is permitted to acquire or hold, and all lands hereafter acquired or held in violation of this provision shall escheat to the State. Provision may be made for debarring all foreign corporations which shall violate any law of this State from thereafter being allowed to do business in the State.

SEC. 11. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and regulating the speed of trains, on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroads. The legislature may also pass laws establishing reasonable maximum rates of tolls or freights on ship or other canals in this State.

SEC. 12. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law, nor shall any such corporation hereafter lease any parallel or competing line of road, and no two or more competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding, with reference to rates of fare or freight to be charged, or for the division of earnings.

SEC. 13. Every corporation organized in this State shall maintain an office therein, where a record of the transfers of its stock shall be made, and where books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, and amount paid in, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 14. No president, director, officer, agent, or employe of any railroad or canal company shall be interested directly or indirectly in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or operated by such company.

SEC. 15. No telegraph company shall consolidate with, nor hold a controlling interest in the stock or bonds of any other telegraph company owning a

competing line, nor acquire by purchase or otherwise any competing line of telegraph.

SEC. 16. No corporation, except for municipal or mining purposes, for life insurance, or for the construction of railroads, canals, and establishment of cemeteries, shall be created for a longer period than thirty years.

SEC. 17. The term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 18. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad, and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 19. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

## ARTICLE XII.

### IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

SEC. 2. Every impeachment shall be tried by the senate. When the governor or lieutenant governor shall be tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the members of the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office; but the party accused, whether acquitted or convicted, shall be liable to trial and punishment according to law.

SEC. 3. When an impeachment is directed, the house of representatives shall appoint from their own body, a committee whose duty it shall be to prosecute such impeachment. An impeachment may be tried after the final adjournment of the legislature.

SEC. 4. No officer shall exercise his office after an impeachment is directed, until he be acquitted, but such disability shall not continue longer than three months, unless the trial of such impeachment shall have been commenced and proceeded with.

SEC. 5. For a reasonable cause, which shall not be a sufficient ground for the impeachment of a judge, the governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the legislature, after the party accused shall have had an opportunity to be heard in his



defense; but the cause for which such removal is required shall be stated at length in such resolution. Provision may be made by law for the suspension of a judge when the legislature is not in session.

SEC. 6. County, township, city, village or school district officers, may be removed in such manner and for such cause as may be provided by law.

SEC. 7. The governor shall have power, and it shall be his duty, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointed, and, except at such times as the legislature may be in session, to suspend from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The attorney general, state treasurer, commissioner of the state land office, secretary of state, auditor general, superintendent of public instruction, or members of the state board of education, or any other officer of the State, except legislative and judicial, and report the cause of such suspension to the legislature at its next session.

SEC. 8. Whenever, during a recess of the legislature, it shall, in the opinion of the governor, become necessary to direct an impeachment of any civil officer, he may, by proclamation, convene the house of representatives for that purpose; and if the house, when so convened, shall direct an impeachment, he shall in like manner immediately convene the senate to try such impeachment; and whenever, in the opinion of the president of the senate and speaker of the house of representatives, it shall, during a recess of the legislature, become necessary to direct an impeachment of the governor, they may, by their joint proclamation, convene the house for that purpose; and if the house direct such impeachment, the said president and speaker shall, in like manner, immediately convene the senate to try such impeachment.

SEC. 9. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, by impeachment or otherwise, until he shall be acquitted, or until the election or appointment and qualification of a successor.

### ARTICLE XIII.

#### EDUCATION.

SECTION 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law; and he shall be a member, *ex officio*, of the boards of all State educational institutions, including the reform school.

SEC. 2. The regents of the university and their successors in office shall continue to constitute a body corporate by the name and title of "The Board of Regents of the University of Michigan." Said board shall consist of the two *ex officio* members provided for in this article, and eight elective members. The terms of office of the elective members shall be eight years, and two of such members shall be elected every second year at the time of the annual township election, so as to succeed the regents now in office as their several terms expire. Said board of regents shall as often as necessary, elect a president of the university, who shall be its chief executive officer, and, *ex officio*, a member and president of said board, with the privilege of speaking, but not of voting. The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.

SEC. 3. The state normal school shall continue under the supervision of

the state board of education, which shall consist of the superintendent of public instruction, *ex officio*, and three elective members. The terms of office of said elective members shall be six years, and one of said members shall be elected every second year, at the time of the election of governor, and shall enter upon the duties of his office on the first day of January succeeding his election. Said board shall perform such other duties as shall be prescribed by law.

SEC. 4. The boards of control of the reform school, the state public school, and of the agricultural college, shall be appointed by the governor by and with the consent of the senate, and their duties shall be prescribed by law.

SEC. 5. Any vacancy that shall occur in any of the boards mentioned in this article shall be filled by appointment by the governor.

SEC. 6. The legislature shall provide a system of primary schools, by which a school shall be maintained in each school district in the State, free of charge for tuition, at least three months in the year. The instruction shall, in all cases, be conducted in the English language.

SEC. 7. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from general taxes for the support of schools.

SEC. 8. The proceeds from the sale of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

SEC. 9. All lands which have heretofore escheated, or which shall hereafter escheat to the State, shall inure to the benefit of the primary school fund, and be held and disposed of as primary school lands.

SEC. 10. All moneys belonging to the public derived from fines, penalties, forfeitures or recognizances, imposed or taken in the several counties, cities or townships for any breach of the penal laws of this state, shall be paid into the county treasury and apportioned in the same manner as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of a library in each township or city, or for the support of primary schools, as the township board of any township, or board of education or school board of any city, may determine. But fines, penalties, forfeitures, and recognizances, accruing from the violation of village or city ordinances, shall be paid into the treasury of the village or city where the same are collected, and be applied as the board of education or school board of such village or city may determine.

SEC. 11. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

## ARTICLE XIV.

### FINANCE AND TAXATION.

SECTION 1. The legislature may provide for the collection of specific taxes from banking, railroad and plank-road corporations, and may, in its discretion, impose specific taxes upon other corporations, and upon any property or busi-

ness within this state; but when a specific tax is imposed upon a corporation, it shall only apply to such property of the corporation as shall be necessary for the exercise of its corporate franchises.

SEC. 2. All specific State taxes received from corporations, except mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund.

SEC. 3. The legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

SEC. 4. Every law hereafter enacted by the legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

SEC. 5. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in the year one thousand eight hundred and forty-eight.

SEC. 6. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

SEC. 7. The State may contract debts to repel invasion, suppress insurrection, defend the State, or aid the United States in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to pay such debts.

SEC. 8. No money shall be paid out of the State treasury, except in pursuance of appropriations made by law. The legislature shall provide by law for barring all claims against the State, unless presented within a time to be therein fixed.

SEC. 9. The State shall not aid, by gift, or pledge of its credit, any person or corporation, nor shall it subscribe to, or become interested in, the stock of any corporation, nor assume any indebtedness of a municipal or other corporation. The provisions of this section shall not apply to educational, charitable, reformatory, or penal institutions which are or may be under the care and control of the State.

SEC. 10. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized by this constitution.

SEC. 11. The State shall not be a party to or be interested in any work of internal improvement, except the ship canal at the Sault Ste. Marie, and the Portage Lake and Lake Superior Ship Canal, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

SEC. 12. The legislature shall provide a uniform rule of taxation, except on property or business paying specific taxes. Taxes shall be levied on all property except such as may be exempted by law.

SEC. 13. All assessments hereafter authorized shall be on property at its cash value.

SEC. 14. The legislature shall provide for an equalization by a State board in the year one thousand eight hundred and seventy-six, and every fifth

year thereafter, of assessments on all taxable property except that paying specific taxes.

SEC. 15. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE XV.

### EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution.

SEC. 2. Every homestead of not exceeding forty acres of land, and the dwelling-house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village, or instead thereof at the option of the owner, any lot in any city or village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained, but any mortgage not given for purchase money, and any other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. If the owner of a homestead die, leaving a widow, child, or children, such homestead shall be exempt from the payment of his debts so long as the widow shall be without other homestead of her own, and during the minority of said child or children.

SEC. 4. The real and personal estate of every woman, acquired before marriage, and all property, real and personal, to which she may afterwards become entitled, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be held, controlled and disposed of by her in the same manner and with like effect as if she were unmarried. And the husband of any married woman shall not be liable for or on account of any debt or obligation of his wife contracted before her marriage, or contracted by her in relation to her sole property after marriage.

## ARTICLE XVI.

### MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for organizing, equipping and

disciplining the militia, in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

## ARTICLE XVII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the legislature, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of this State, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability."

SEC. 2. Judicial and legislative proceedings shall be conducted, and the laws and public records promulgated and preserved, in the English language.

SEC. 3. Public officers, receiving or having charge of public moneys, are prohibited from using or employing the same in any manner for their private use or benefit, and whenever any public funds are loaned or deposited, the interest or other consideration received therefor shall be paid over to the general fund of the State, county, municipality, corporation or board to which such funds belong.

SEC. 4. The legislature may authorize the taking of private property for the opening of private roads, for use in the improvement of navigable streams, and for flowage when the public interests demand it.

SEC. 5. Before any private property shall be taken without the consent of the owner, for public use (except for public highways not within any city or village), or for any purpose named in the last above section, the necessity for taking such property, and the compensation to be paid therefor, shall be determined by a jury of freeholders of the vicinity, or by not less than three commissioners, freeholders as aforesaid, appointed by a court of record, as may be provided by law, and such compensation shall be paid or tendered in such manner as shall be prescribed by law.

SEC. 6. The right of the public or of any individual to the free use of any navigable stream for any purpose for which such stream is capable of use, without improvement, shall not be abridged or obstructed by or under color of any authority which may be given by law to any individual or corporation to improve such stream and charge toll for the use of such improvement.

SEC. 7. No navigable stream in this State shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the farther improvement of the navigation of such streams.

SEC. 8. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws, at every regular session of the legislature.

SEC. 9. No mechanical trade shall hereafter be taught to convicts in the state prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other states or countries.

SEC. 10. Any woman above the age of twenty-one years, who shall be a resident of this State, and of the proper county, township, city, or ward, and

who is a citizen of the United States, shall be eligible to the office of register of deeds, notary public, offices connected with schools and libraries, and to such other offices as may be designated by law.

SEC. 11. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

### ARTICLE XVIII.

#### AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same be agreed to by two-thirds of the member selected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at such time as the legislature shall prescribe. And if a majority of the electors, qualified to vote for members of the legislature, voting on the amendment or amendments proposed, shall ratify and approve such amendment or amendments, the same shall become a part of the constitution, and take effect at the commencement of the year following its adoption.

SEC. 2. At any time after the first day of January, one thousand eight hundred and eighty-five, the legislature may provide for a convention, to be chosen by the qualified electors of the State, or for a commission to be appointed by the governor by and with the advice and consent of the senate, and house of representatives in joint convention to revise or amend this constitution. Such revised or amended constitution shall be submitted to the electors qualified to vote for members of the legislature, at such time and in such manner as said convention or commission may provide. If a majority of the electors voting on such revised or amended constitution shall decide in favor thereof, the same shall take effect at the commencement of the year following its adoption.

### SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into operation, it is hereby declared :

SECTION 1. The common law, and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments and informations which shall have been found or filed, or which may hereafter be found or filed, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the State under the present constitution and laws, shall accrue to the use of the State under this constitution.

SEC. 4. All recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people

of this State, or to any county or township, or to any public officer or public body, or which may be entered into or executed under existing laws, to the people of this State or to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid, and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

SEC. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this constitution.

SEC. 6. It shall be the duty of the legislature, at its first session after the adoption of this constitution, to adapt the present laws to the provisions of this constitution.

SEC. 7. Any territory attached, or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections, for the purpose of representation.

SEC. 8. The terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

SECTION 2. *And be it further resolved,* That said constitutional amendments shall be submitted to the people of this State at the next general election, to be held on the Tuesday succeeding the first Monday in November, in the year eighteen hundred and seventy-four; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State, in the same manner that he is now required to do in case of an election of governor or lieutenant governor; and the inspectors of election in the several townships and cities in this State, shall prepare a suitable box for the reception of ballots, cast for or against said amendments. Each person voting for said constitutional amendments to the Constitution of this State, shall have written or printed, or partly written and partly printed, on his ballot the words "Constitutional Amendments,—Yes;" and each person voting against them shall have on his ballot, in like manner, the words "Constitutional Amendments,—No." The ballots shall in all respects be canvassed and returns made as in election of Governor and Lieutenant Governor. In case a majority of the votes cast at said election, as above provided, shall have on them the words "Constitutional Amendments,—Yes," then the foregoing preamble, articles and sections, and each and all of them, shall stand as the Constitution of the State of Michigan, from and after the first day of January, eighteen hundred and seventy-five, and each and every other pre-existing provision of the Constitution of the State of Michigan shall be suspended thereby, and be absolutely null and of no effect.

The Speaker announced the following:

SENATE CHAMBER.  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to request the House to transmit to the Senate a copy of Sec. 16 of Article X., as the same was reported to the

House by the joint committee of conference, relative to the disagreements between the two Houses, and concurred in by the House.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Dovel,

The Clerk was directed to comply with the request of the Senate.

The Speaker also announced the following:

SENATE CHAMBER, }  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved* (the House concurring), That the publisher of any daily or weekly newspaper in the State that shall publish the proposed amendments to the Constitution, with accompanying notes of reference, as passed by this extra session of the Legislature, shall be entitled to receive the sum of twenty-five dollars therefor. The board of State auditors are hereby authorized to allow said amount on proof of such publication by the proprietor of such newspaper.

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Dovel moved that the House concur in the adoption of the resolution.

Mr. Fancher offered the following substitute for the resolution :

*Resolved*, By the Senate (the House concurring), That each newspaper in this State which shall publish and circulate to its subscribers, at any time between the 15th of August and 15th of September next, the Constitution and amendments as submitted by the present Legislature, with the compiler's notes, to the electors, shall receive a compensation of twenty-five dollars, the same to be paid by the State Treasurer on the warrant of the Auditor General, after said Auditor General has received satisfactory proof of the publication and circulation of the Constitution and amendments as aforesaid by any publisher of a newspaper;

Which was agreed to.

The question being on concurring in the adoption of the resolution as amended by the substitute,

Mr. Briggs demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Ackley,	Mr. Ferguson,	Mr. Kipp,	Mr. Robertson,
Armstrong,	Fey,	Knapp,	Rose,
Bartholomew,	Garfield,	Lamb,	Scott,
Bottomley,	Goodrich,	Markey,	Shaw,
Brunson,	Gordon,	E. R. Miller,	Striker,
Burns,	Grant,	R. C. Miller,	Taylor,
Carter,	Green,	Mitchell,	Thomas,
Chamberlain,	Greusel,	Morse,	Thompson,
Climie,	Haire,	Parker,	A. Walker,



Mr. Colwell,	Mr. Harden,	Mr. Pierce,	Mr. F. Walker,
Cook,	Harris,	Priest,	J. Walker,
Dinturff,	Huywood,	Remer,	Warren,
Dorell,	Hosner,	Rich,	Wheeler,
Drew,	Howard,	Ripley,	Withington,
Eggleston,	Hoyt,	Robinson,	Zimmerman,
Fancher,			

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## NAYS.

Mr. Briggs,	Mr. Hewitt,	Mr. Sanderson,	Mr. Van Scoy,
Brown,	Luce,	Sessions,	Walton,
Curtis,	Noyes,	Simpson,	Welch,
Drake,	O'Dell,	Van Aken,	Welker,
Edwards,	Perry,		

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The Speaker also announced the following :

SENATE CHAMBER, }  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved*, (the House concurring), That the compiler be, and he is hereby instructed to add a complete index of the Constitution to the pamphlet to be prepared by him ;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. F. Walker,

The House concurred in the adoption of the resolution.

The Speaker also announced the following :

SENATE CHAMBER, }  
Lansing March 21, 1874. }

*To the Speaker of the House of Representatives :*

SIR—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved* (the House concurring), That after the proposed amendments to the Constitution shall have been passed, by the requisite two-thirds vote, in both houses, the same shall be enrolled on parchment, the Joint Resolution signed by the presiding officers of the respective houses, and presented to the Governor, and when approved by the Executive the names of all the members of both houses voting on the same shall be recorded thereon, and the whole filed in the office of the Secretary of State.

*Resolved*, That the expenses of the committee on engrossment and enrollment for extra attendance while superintending the enrollment of bills and the constitution, be paid on the certificate of the officers of their respective Houses, out of the moneys appropriated by law for paying the contingent expenses of the Legislature ;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Ferguson moved that the House concur in the adoption of the resolution;

Which motion did not prevail.

The Speaker also announced the following:

SENATE CHAMBER,

Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

WHEREAS, The committee on arrangement and phraseology were authorized by the original resolution appointing such committee to employ a clerk or compiler; therefore,

*Resolved* (the House concurring). That the sum of fifty dollars be paid to S. B. McCracken, Esq., for services as such compiler;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

On motion of Mr. Noyes,

The resolution was laid on the table.

Mr. Lockwood offered the following:

*Resolved*, That the Constitutional amendments entire, as adopted and proposed by the late Constitutional Commission, be submitted to the people of this State as an alternative proposition for the people to vote on.

On motion of Mr. Hoyt,

The resolution was laid on the table.

On motion of Mr. Grant,

The House took a recess until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Buell offered the following:

*Resolved*, That the Speaker be instructed to sign the pay certificates of the members of the House forthwith, and the clerk be instructed to deliver the same to the members on demand.

On motion of Mr. Warren,

The resolution was laid on the table.

Mr. Clinie asked and obtained leave of absence for himself for the remainder of the session.

Mr. Garfield asked and obtained leave of absence for himself for the remainder of the session.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following joint resolution:

House Joint Resolution, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan,

And to inform the House that the Senate has amended the same by striking out all of Sec. 9 of Article XL, after the word "franchises," in line 3;

In the passage of which, as thus amended, the Senate has concurred by a two-thirds vote of all the Senators elect.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

Mr. Hoyt moved that the House concur in the amendments made to the joint resolution by the Senate;

Pending the taking of the vote thereon,

Mr. Shaw moved to amend the amendment made to the joint resolution by the Senate by inserting in lieu of the words stricken out by the Senate the following:

*Provided, That all conveyances of lands made to manufacturing companies in this State prior to January 1, A. D. 1872, shall not by reason of the inability of such corporations to hold said lands in pursuance of law, thereby become void; but such lands may be confirmed to said corporations for a period of ten years next succeeding the adoption of this Constitution in such manner as may be provided by a general law enacted for that purpose.*

Mr. Gilmore demanded the previous question.

The demand was seconded and the main question ordered.

The motion to amend the amendment then prevailed.

The question being on concurring in the amendment as amended did not then prevail, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Blackman,	Mr. Harden,	Mr. Ripley,	Mr. Thompson,
Brunson,	Hosner,	Robinson,	Van Aken,
Burus,	Howard,	Rose,	Van Scoy,
Carter,	Kipp,	Sanderson,	A. Walker,
Cobb,	Knapp,	Scott,	Warren,
Dinturff,	E. R. Miller,	Shaw,	Welker,
Drake,	Parker,	Simpson,	Withington,
Drew,	Parsons,	Speed,	Wixson,
Goodrich,	Perry,	Striker,	Zimmerman,
Gordon,	Priest,	Taylor,	Speaker,
Haire,	Remer,	Thomas,	

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#### NAYS.

Mr. Ackley,	Mr. Dovell,	Mr. Hewitt,	Mr. Rich,
Armstrong,	Edwards,	Hoyt,	Robertson,
Bottomley,	Fancher,	Lockwood,	Sessions,

Mr. Briggs,	Mr. Ferguson,	Mr. Luce,	Mr. Smith,	
Brown,	Fey,	Markey,	F. Walker,	
Buell,	Garfield,	R. C. Miller,	J. Walker,	
Chamberlain,	Gilmore,	Morse,	Walton,	
Colwell,	Green,	Noyes,	Watkins,	
Cook,	Greusel,	O'Dell,	Welch,	
Curtis,	Harris,	Pierce,	Wheeler,	40

On motion of Mr. Hoyt,

The House reconsidered the vote by which it failed to concur in the amendment of the Senate as amended.

On motion of Mr. Hoyt,

The House reconsidered the vote by which it agreed to amend the amendment of the Senate.

The question being on amending the amendment,

The motion did not prevail.

The question being on concurring in the amendment made to the joint resolution by the Senate,

The motion prevailed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Ackley,	Mr. Garfield,	Mr. R. C. Miller,	Mr. Simpson,	
Blackman,	Gilmore,	Morse,	Smith,	
Briggs,	Goodrich,	Noyes,	Speed,	
Brown,	Gordon,	O'Dell,	Striker,	
Brunson,	Greusel,	Parker,	Taylor,	
Burns,	Haire,	Parsons,	Thompson,	
Carter,	Harden,	Perry,	Van Aken,	
Chamberlain,	Hewitt,	Pierce,	Van Scoy,	
Climie,	Hosner,	Priest,	A. Walker,	
Cobb,	Hoyt,	Remer,	J. Walker,	
Cook,	Kipp,	Rich,	Walton,	
Curtis,	Knapp,	Robinson,	Warren,	
Dinturff,	Lamb,	Robertson,	Welch,	
Drake,	Lockwood,	Sanderson,	Welker,	
Drew,	Luce,	Scott,	Withington,	
Edwards,	Murkey,	Sessions,	Wixson,	
Fancher,	E. R. Miller,	Shaw,	Zimmerman,	
Fey,				69

#### NAYS.

Mr. Armstrong,	Mr. Grant,	Mr. Ripley,	Mr. F. Walker,	
Buell,	Green,	Rose,	Watkins,	
Dovell,	Howard,	Thomas,	Wheeler,	
Ferguson,	Mitchell,			14

On motion of Mr. Ferguson,

The House took up the order of

#### THIRD READING OF BILLS.

House bill No. 1. entitled

A bill relative to taxation,

Was read a third time, and pending the taking of the vote on the passage thereof,

Mr. Fancher moved to amend the bill by striking out in Sec. 2 all after the word "roll," in line 4;

Which motion prevailed.

Mr. Fancher moved to amend the bill by striking out Sec. 4.

Which motion prevailed.

The bill was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Ackley,	Mr. Fancher,	Mr. Markey,	Mr. Simpson,
Armstrong,	Ferguson,	E. R. Miller,	Striker,
Blackman,	Fey,	R. C. Miller,	Thomas,
Bottomley,	Gordon,	Parker,	Van Aken,
Brunson,	Grant,	Parsons,	Van Sooy,
Burns,	Green,	Pierce,	A. Walker,
Carter,	Greusel,	Priest,	F. Walker,
Climie,	Haire,	Remer,	J. Walker,
Cobb,	Harden,	Rich,	Warren,
Culwell,	Harris,	Ripley,	Watkins,
Curtis,	Hewitt,	Robertson,	Welker,
Diuturff,	Hosner,	Rose,	Wheeler,
Dovell,	Kipp,	Scott,	Withington,
Drew,	Kuapp,	Sessions,	Wixson,
Edwards,	Lockwood,	Shaw,	Zimmerman, 60

## NAYS.

Mr. Brown,	Mr. Howard,	Mr. Mitchell,	Mr. Sanderson,
Gilmore,	Hoyt,	Morse,	Smith,
Goodrich,			

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Title agreed to.

On motion of Mr. Ferguson,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Rose moved to take from the table the following resolution:

WHEREAS, The committee on arrangement and phraseology were authorized by the original resolution appointing such committee, to employ a clerk or compiler; therefore,

*Resolved* (the House concurring), That the sum of fifty dollars be paid to S. B. McCracken for services as such compiler;

Which motion prevailed.

The resolution was then adopted.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill:

House bill No. 1, entitled

A bill relative to taxation;

In the passage of which the Senate has concurred by a majority vote of all

the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 21, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following bill: House bill No. 17, entitled,

A bill to amend section seven, of title ten, of act number four hundred and ninety-seven, of the laws of eighteen hundred and sixty-nine, entitled, "An act to revise the charter of the city of Lansing," approved April third, eighteen hundred and sixty-nine;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

JAMES H. STONE.

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

The Speaker also announced the following:

SENATE CHAMBER, }  
*Lansing, March 21, 1874.*

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to re-transmit the following concurrent resolution:

*Resolved* (the House concurring), That the publisher of any daily or weekly newspaper published in the State that shall publish the proposed amendments to the Constitution, with accompanying notes of reference, as passed by this extra session of the Legislature, shall be entitled to receive the sum of twenty-five dollars therefor. The Board of State Auditors are hereby authorized to allow said amount on proof of such publication by the proprietor of such newspaper;

For which the House adopted the following substitute:

*Resolved*, By the Senate (the House concurring), That each newspaper in this State, which shall publish and circulate to its subscribers, at any time between the 15th day of August and 15th day of September next, the Constitution and amendments as submitted by the present Legislature, with the compiler's notes to the electors, shall receive a compensation of twenty-five dollars, the same to be paid by the State Treasurer on the warrant of the Auditor General, after said Auditor General has received satisfactory proof of the publication of the Constitution and amendments as aforesaid, by any publisher of a newspaper;

And to inform the House that the Senate has amended the substitute by striking out the words "between the 15th day of August and 15th day of Sep-

tember," and inserting in lieu thereof the words "on or before the 1st day of June,"

In which amendment the concurrence of the House is respectfully asked.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Hosner,

The House concurred in the amendment made to the resolution by the Senate.

#### COMMUNICATIONS FROM STATE OFFICERS.

STATE TREASURER'S OFFICE,  
*Lansing, Mich., March 20, 1874.*

To Hon. C. M. CROSWELL, *Speaker of the House of Representatives:*

SIR—In response to the resolution of the House, of the 19th inst., requesting me to report the names of the banks in which money belonging to the State is deposited, the amount in each respectively, the bond or bonds taken to secure the State from loss, the names of the signers of said bonds, and the amount of liability of each signer thereof,

I beg leave to say that while the publication of the information sought could not affect this office or me personally, it might, for reasons that are apparent to every business man, be productive of great personal injury to individuals. In every case the security taken is at least four times, and in some cases twenty times the amount of money deposited; and the obligations are of the strongest nature, holding each bondsman individually for the entire amount. But to reveal their names might injure their general credit, and injure with it the security of the State, while it is not apparent how the public interest could be in any way promoted by such publicity, any more than the welfare of a business community could be promoted by publishing the names of every indorser, and the amount for which he was liable on notes given to a bank.

Having no desire to withhold from the Legislature any information in relation to the business of this office, I respectfully ask that a committee of the House, or a joint committee, be appointed to examine the securities given by the respective depositaries, and look into any and all of the matters that may be desired. And I hereby beg to assure the House that such committee will be cordially received, and every possible facility furnished for as thorough an investigation as may be wished or sought.

It cannot be deemed improper, since the financial affairs of the State have become a topic of general discussion, to say that the amount of money now in the State Treasury is all there by the operation of law. It has come from taxes levied by acts of the Legislature, and from interest received on deposits in banks. If the sum is too large it is not the fault of the Treasurer. It is his duty to take care of it all until payments are made upon the warrant of the Auditor General.

During my three years' service as Treasurer, I have purchased \$440,000 of State bonds, not yet due, being \$180,000 more than have been purchased of this class of bonds in any previous four years. I have also paid \$313,000 of bonds at maturity, and \$7,157 14 of past due bonds. More unmatured bonds would have been purchased but for the legal restriction on the Treasurer, that he shall not pay a price above par and accrued interest for such bonds. A large balance is necessary to purchase bonds in lots of \$133,000 and \$96,000, as I have done. Great labor, watchfulness, and perseverance, have been required to find

these bonds in the hands of parties willing to sell at par; and in this work I have been constantly and materially aided by Governor Bagley.

With money plentiful in New York on call at one per cent, and large sums offered at two per cent without borrowers (as stated by the Wall Street Journal of March 14), it is plain that the difficulty of taking up Michigan 6's and 7's is greatly enhanced, while the further difficulty of obtaining more than four per cent for funds of the State loaned on call in perfectly secure hands is also enhanced.

The specific taxes of the State are becoming more and more productive, and the Legislature is devising new sources for specific taxes which rapidly increase the revenue. Our people have paid their taxes more promptly than ever before. No State in the West collects its taxes with so little loss. While other States are renewing their old bonds or negotiating new ones, and some of them cannot sell their bonds at half their face value, Michigan stands ready to-day to redeem \$500,000 of her debt not yet due, if she could only find men who would accept par and accrued interest for her obligations.

Contrary to the old practices in this State, the appropriations to institutions receiving money from the Treasury for new buildings or running expenses, are not now paid over to the officers of such institutions in a lump, but are kept in the State Treasury, and paid out in amounts as wanted, on vouchers through the Auditor General's office. This is of itself a great safeguard, devised by the wisdom of the Legislature. The money remains where it will bring interest to the people, instead of being scattered all over the State and in the hands of parties who give no bonds. This explains why a considerable balance remains in the Treasury.

Many of our taxes are collected and paid into the Treasury six months before the money is needed; but for this, the law alone is responsible. The Treasurer must receive the money whenever paid. While large amounts of revenue come in during the winter and spring, the various appropriations are spread over the whole year; and the balances on hand will be very greatly reduced before the end of the year. For example,—the balances of appropriations made by law payable prior to January 1, 1875, are as follows:

State Library, act No. 20, laws 1873.....	\$1,500 00
Geological Survey, joint resolution 62, of 1869, and joint resolution 3 of 1872.....	23,000 00
Agricultural College, act 33, 1873.....	25,934 00
Public School, act 122, 1873.....	22,500 00
New Capitol, act 4, 1872.....	320,005 04
Normal School, acts 8 and 51, 1873.....	19,131 26
Reform School, act 159, 1873.....	26,450 00
State Prison, act 60, 1873.....	44,200 00
Asylum for Deaf, Dumb and Blind, act 24, 1873.....	37,221 40
Asylum for Insane, act 62, 1873.....	83,400 00
New Asylum for Insane, act 120, 1873.....	140,000 00
Commission on Fisheries, act 124, 1873.....	5,809 09
State Board of Health, act 81, 1873.....	3,876 64
Corner Stone of Capitol, joint resolution 16, 1873.....	2,993 69
University aid, act 32, 1873.....	31,500 00
<b>Total appropriations.....</b>	<b>\$790,521 13</b>



Also to be paid May 1st, Primary School apportionment, at least.....	\$200,000 00
Also to be paid quarterly, University Fund interest.....	30,000 00
Agricultural Fund interest.....	8,000 00
Normal School interest, payable on demand.....	3,000 00
Salaries for remainder of the year, estimated.....	111,000 00
Awards of Board of State Auditors, estimated.....	130,000 00
Interest payable on State debt.....	95,000 00

Total amount of appropriations and payments for which the  
Treasurer is liable prior to Jan. 1, 1875.....\$1,367,521 12

Sinking Fund now in Treasury, required by law to be kept unexpended.....	\$282,000 00
Canal tolls required by law to be kept unexpended, for final redemption of Canal bonds.....	69,000 00
Proceeds of \$2,000,000 loan to pay adjusted and past-due \$5,000,- 000 of loan.....	33,135 64
Agricultural College Fund for use or appropriation, for which there is no law.....	106,200 00
	<u>\$490,335 64</u>

An appropriation made by the Legislature becomes at once a debt that the State treasury must pay, and it must be a satisfaction to every citizen to know that from wise and careful legislation, and from the prompt manner in which our people meet their taxes, we are ready at all times to meet demands upon the treasury that are due, and fortunately for us, not due too. I have felt, since I have been entrusted with the management of the financial affairs of the State, that my position was a business one, and that the conducting the finances of the State was simply a business operation.

Having now communicated all the information pertaining to the treasury which in my judgment can be made public at this time without serious injury to parties whose interests are entitled to careful consideration, I renew my assurances of the utmost readiness to offer to any committee of the House of Representatives or any joint committee the fullest opportunity for investigation of any matter whatsoever pertaining to my department.

Very respectfully,

V. P. COLLIER,  
State Treasurer.

The communication was laid on the table.

The Speaker announced the following:

SENATE CHAMBER, }  
Lansing, March 21, 1874. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return to the House the following concurrent resolution:

*Resolved* (the Senate concurring), That from and after Saturday, March 21, 1874; at 10 o'clock A. M., the two Houses will transact no business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the jour-

nals of the proper Houses by the Secretary and Clerk, and the time of final adjournment of this Legislature shall be on Tuesday, the 24th day of March, 1874, at 12 o'clock noon of that day;

And to inform the House that the Senate has amended the same so as to read as follows:

*Resolved* (the Senate concurring), That from and after Saturday, March 21, 1874, at 6 o'clock P. M., the two Houses will transact no business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journals of the proper Houses by the Secretary and Clerk, and the time of the final adjournment of this Legislature shall be on Thursday, the 26th day of March, 1874, at 12 o'clock noon of that day;

In the passage of which as thus amended the Senate has concurred.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

On motion of Mr. Fey,

The House concurred in the amendments made to the resolution by the Senate.

The Speaker also announced the following:

SENATE CHAMBER,  
*Lansing, March 21, 1874.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to re-return to the House the following joint resolution:

House Joint Resolution, entitled,

Joint resolution proposing amendments to the Constitution of the State of Michigan,

And to inform the House that the Senate concurs in the recommendation of the House, that the joint resolution be referred to the engrossing and enrolling committees of the Senate and House.

Very respectfully,

JAMES H. STONE,  
*Secretary of the Senate.*

The joint resolution was referred to the joint committees on engrossment and enrollment for enrollment.

Mr. Lockwood offered the following:

*Resolved*, That the Clerk of the House be requested to forward by mail to the members one copy each of the daily journal of this House for the last six days of this session, and that he be hereby directed to procure the postage stamps necessary to forward the same, and draw his order for the payment thereof.

Which was adopted.

On motion of Mr. Grant,

The House took a recess until 5:45 o'clock

5:45 o'clock P. M..

The House met and was called to order by the Speaker.

Roll called: not a quorum present.

On motion of Mr. Green,

The House adjourned until Monday next at 11 o'clock A. M.

*Lansing, Monday, March 23, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called: not a quorum present.

The following members answered to their names: Messrs. Armstrong, Blackman, Buell, Dovel, Green, Remer, Rose and Wheeler.

On motion of Mr. Remer,

The House adjourned.

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*Lansing, Tuesday, March 24, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called: not a quorum present.

#### REPORTS OF STANDING COMMITTEES.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to organize the township of Grant in Keweenaw county;

A bill to organize the township of Copper Harbor, in Keweenaw county;

A bill to amend the charter of the city of St. Clair;

A bill to provide for the deposit of the public moneys by the county treasurer of Wayne county;

A bill relative to taxation.

S. H. BLACKMAN, *Chairman.*

Report accepted.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to amend Sec. 3987 of the compiled laws of 1871, relative to the sale of swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands;

A bill to authorize the township board of the township of Allegan to borrow money for the purpose of paying any judgments that have been or may be hereafter rendered against said township, and to issue bonds for the payment of the same.

S. H. BLACKMAN, *Chairman.*

Report accepted.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following joint resolution:

Joint resolution requesting the Senators and Representatives of the State of Michigan in Congress to use their best endeavors to secure relief from the General Government to certain homestead settlers on railroad lands whose

homestead certificates have been canceled by the United States of America because of conflict with the land grant of the Grand Rapids & Indiana Railroad Company.

S. H. BLACKMAN, *Chairman.*

Report accepted.

On motion of Mr. Blackman,  
The House adjourned.

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*Lansing, Wednesday, March 25, 1874.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called: not a quorum present.

REPORTS OF STANDING COMMITTEES:

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to legalize certain bonds issued July 1, 1873, by the city of St. Clair, for the purpose of local improvements;

A bill to amend the charter of the village of Algonac in the county of St. Clair;

A bill concerning submarine sites for light-houses, and other aids to navigation.

S. H. BLACKMAN, *Chairman.*

Report accepted.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following bills:

A bill to amend section seven, of title ten, of act number four hundred and twenty-seven, of the laws of 1869, entitled "An act to revise the charter of the city of Lansing," approved April 3, 1869;

A bill to authorize the city of East Saginaw to issue bonds for the completion of water works;

A bill to enlarge and extend the corporate limits of the village of Evart.

S. H. BLACKMAN, *Chairman.*

Report accepted.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to cede jurisdiction to the United States on certain land, and for the purchase and condemnation thereof;

A bill to provide for the extension of the time for the construction of a railroad from the Straits of Mackinaw to Marquette Harbor, on Lake Superior, and to renew and extend certain powers of the board of control of State swamp lands.

S. H. BLACKMAN, *Chairman.*

Report accepted.

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following joint resolution:

House Joint Resolution, entitled

Joint resolution proposing amendments to the Constitution of the State of Michigan.

S. H. BLACKMAN, *Chairman.*

Report accepted.

On motion of Mr. Green,

The House adjourned.

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*Lansing, Thursday, March 26, 1874.*

The House met pursuant to adjournment, and in the absence of the Speaker was called to order by the clerk.

Roll called: not a quorum present.

The hour of 12 o'clock M. having arrived, and no further business appearing to be transacted,

On motion of Mr. Bartholomew,

The House adjourned *sine die*.

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HOUSE OF REPRESENTATIVES, }  
*Lansing, March 26, 1874. }*

I do hereby certify that the foregoing is a true copy of the proceedings of the House of Representatives of the Legislature of Michigan, at its extra session for the year 1874.

DANIEL L. CROSSMAN,  
*Clerk of the House of Representatives.*

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